

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND AND THIRD SESSIONS OF
THE SEVENTY-SIXTH CONGRESS
OF THE UNITED STATES OF AMERICA

1939–1941

AND

TREATIES, INTERNATIONAL AGREEMENTS OTHER
THAN TREATIES, PROCLAMATIONS, AND
REORGANIZATION PLANS

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AND
REORGANIZATION PLANS



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NOTICE

The original of every joint resolution printed in this volume from page 3 to page 12, inclusive, has the following heading:

SEVENTY-SIXTH CONGRESS OF THE UNITED STATES OF AMERICA;

AT THE SECOND SESSION

Begun and held at the City of Washington on Thursday, the twenty-first day of September, one thousand nine hundred and thirty-nine

The original of every act and joint resolution printed in this volume from page 13 to page 1227, inclusive, has the following heading:

SEVENTY-SIXTH CONGRESS OF THE UNITED STATES OF AMERICA;

AT THE THIRD SESSION

Begun and held at the City of Washington on Wednesday, the third day of January, one thousand nine hundred and forty

All bills and joint resolutions presented to the President of the United States bear the signatures of the Speaker (or of the Speaker *pro tempore*) of the House of Representatives and of the Vice President of the United States and President of the Senate (or of the President of the Senate *pro tempore* or of the Acting President of the Senate *pro tempore*); those signatures accordingly appear on the originals of all acts and joint resolutions.

The signature of the President of the United States appears on the originals of all approved acts and joint resolutions.

The original of every act and joint resolution has endorsed thereon a certificate of origin, signed, as the case may be, by the Clerk of the House of Representatives or by the Secretary of the Senate and reading "I certify that this Act (or Joint Resolution) originated in the House of Representatives (or Senate)." The origin of each act and resolution contained in this volume is indicated in the margin at the beginning of each enactment; thus, for example, H. R. 6832 or H. J. Res. 384 indicates origin in the House of Representatives, and S. 1554 or S. J. Res. 206 indicates origin in the Senate.

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PUBLIC LAWS

PUBLIC LAWS

ENACTED DURING THE

SECOND¹ SESSION OF THE SEVENTY-SIXTH CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Thursday, September 21, 1939, and adjourned without day on Friday, November 3, 1939

FRANKLIN D. ROOSEVELT, President; JOHN N. GARNER, Vice President; KEY PITTMAN, President of the Senate *pro tempore*; WILLIAM B. BANKHEAD, Speaker of the House of Representatives; SAM RAYBURN, Speaker of the House of Representatives *pro tempore*, September 25–October 9, 1939.

[CHAPTER 11]

JOINT RESOLUTION

To make provision for certain expenses incident to the second session of the Seventy-sixth Congress. October 11, 1939
[H. J. Res. 384]
[Pub. Res., No. 53]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of expenses incident to the second session of the Seventy-sixth Congress, namely:

For payment to Della Logan, widow of Honorable M. M. Logan, late a Senator from the State of Kentucky, \$10,000. Appropriations, certain expenses of second session, Seventy-sixth Congress.
M. M. Logan.
Payment to widow.

To pay the widow of Thomas M. Eaton, late a Representative from the State of California, \$10,000. Thomas M. Eaton.
Payment to widow.

To pay the widow of Thomas S. McMillan, late a Representative from the State of South Carolina, \$10,000. Thomas S. McMillan.
Payment to widow.

The two foregoing sums to be disbursed by the Sergeant at Arms of the House of Representatives.

For mileage of the President of the Senate and of Senators, \$51,000. Pages.
Mileage.

For mileage of Representatives, the Delegate from Hawaii, and the Resident Commissioner from Puerto Rico, and for expenses of the Delegate from Alaska, \$171,000.

For the payment of twenty-one pages for the Senate and forty-eight pages for the House of Representatives, at \$4 per day each, for the period commencing September 21, 1939, and ending with the last day of the month in which the Seventy-sixth Congress adjourns sine die at the second session thereof, so much as may be necessary for each the Senate and House of Representatives.

Approved, October 11, 1939.

¹[Extra session.]

[CHAPTER 2]

JOINT RESOLUTION

November 4, 1939
[H. J. Res. 306]
[Pub. Res., No. 54]

To preserve the neutrality and the peace of the United States and to secure the safety of its citizens and their interests.

Neutrality Act of
1939.
22 U. S. C., Supp.
V, §§245j—245j-19.
Preamble.

Whereas the United States, desiring to preserve its neutrality in wars between foreign states and desiring also to avoid involvement therein, voluntarily imposes upon its nationals by domestic legislation the restrictions set out in this joint resolution; and

Whereas by so doing the United States waives none of its own rights or privileges, or those of any of its nationals, under international law, and expressly reserves all the rights and privileges to which it and its nationals are entitled under the law of nations; and

Whereas the United States hereby expressly reserves the right to repeal, change or modify this joint resolution or any other domestic legislation in the interests of the peace, security or welfare of the United States and its people: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

PROCLAMATION OF A STATE OF WAR BETWEEN FOREIGN STATES

Proclamation of a
state of war between
foreign states.

SECTION 1. (a) That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.

Revocation.

(b) Whenever the state of war which shall have caused the President to issue any proclamation under the authority of this section shall have ceased to exist with respect to any state named in such proclamation, he shall revoke such proclamation with respect to such state.

COMMERCE WITH STATES ENGAGED IN ARMED CONFLICT

Prohibition on des-
ignated use of Ameri-
can vessels.
Post, p. 866.

SEC. 2. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful for any American vessel to carry any passengers or any articles or materials to any state named in such proclamation.

Penalty.

(b) Whoever shall violate any of the provisions of subsection (a) of this section or of any regulations issued thereunder shall, upon conviction thereof, be fined not more than \$50,000 or imprisoned for not more than five years, or both. Should the violation be by a corporation, organization, or association, each officer or director thereof participating in the violation shall be liable to the penalty herein prescribed.

Export, etc., of arti-
cles or materials; ex-
ception.

(c) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful to export or transport, or attempt to export or transport, or cause to be exported or transported, from the United States to any state named in such proclamation, any articles or materials (except copyrighted articles or materials) until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national. Issuance of a bill of lading under which title to the articles or materials to be exported or transported passes to a foreign purchaser unconditionally upon the delivery of such articles or materials to a carrier,

Transfer of title, etc.

Bill of lading.

shall constitute a transfer of all right, title, and interest therein within the meaning of this subsection. The shipper of such articles or materials shall be required to file with the collector of the port from or through which they are to be exported a declaration under oath that he has complied with the requirements of this subsection with respect to transfer of right, title, and interest in such articles or materials, and that he will comply with such rules and regulations as shall be promulgated from time to time. Any such declaration so filed shall be a conclusive estoppel against any claim of any citizen of the United States of right, title, or interest in such articles or materials, if such citizen had knowledge of the filing of such declaration; and the exportation or transportation of any articles or materials without filing the declaration required by this subsection shall be a conclusive estoppel against any claim of any citizen of the United States of right, title, or interest in such articles or materials, if such citizen had knowledge of such violation. No loss incurred by any such citizen (1) in connection with the sale or transfer of right, title, and interest in any such articles or materials or (2) in connection with the exportation or transportation of any such copyrighted articles or materials, shall be made the basis of any claim put forward by the Government of the United States.

Sworn declaration
by shipper.

Estoppel against
American claims.

Losses incurred.

Insurance on ship-
ments, vessels, etc.

(d) Insurance written by underwriters on articles or materials included in shipments which are subject to restrictions under the provisions of this joint resolution, and on vessels carrying such shipments shall not be deemed an American interest therein, and no insurance policy issued on such articles or materials, or vessels, and no loss incurred thereunder or by the owners of such vessels, shall be made the basis of any claim put forward by the Government of the United States.

(e) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

Revocation of proc-
lamation, effect.

(f) The provisions of subsection (a) of this section shall not apply to transportation by American vessels on or over lakes, rivers, and inland waters bordering on the United States, or to transportation by aircraft on or over lands bordering on the United States; and the provisions of subsection (c) of this section shall not apply (1) to such transportation of any articles or materials other than articles listed in a proclamation referred to in or issued under the authority of section 12 (i), or (2) to any other transportation on or over lands bordering on the United States of any articles or materials other than articles listed in a proclamation referred to in or issued under the authority of section 12 (i); and the provisions of subsections (a) and (c) of this section shall not apply to the transportation referred to in this subsection and subsections (g) and (h) of any articles or materials listed in a proclamation referred to in or issued under the authority of section 12 (i) if the articles or materials so listed are to be used exclusively by American vessels, aircraft, or other vehicles in connection with their operation and maintenance.

Transportation over
contiguous inland wa-
ters, etc., by Ameri-
can vessels or aircraft.

Articles not listed in
proclamation.

Other border trans-
portation.

Exemptions.

(g) The provisions of subsections (a) and (c) of this section shall not apply to transportation by American vessels (other than aircraft) of mail, passengers, or any articles or materials (except articles or materials listed in a proclamation referred to in or issued under the authority of section 12 (i)) (1) to any port in the Western Hemisphere south of thirty-five degrees north latitude, (2) to any port in the Western Hemisphere north of thirty-five degrees north

Transportation to
certain ports in West-
ern Hemisphere; ex-
ceptions.

Ports on Pacific or Indian Oceans, etc.

Atlantic Ocean south of 30° north latitude.

Combat areas.

Air transportation.

Combat areas.

Sworn statement of cargo, etc.; contents.

Restrictions, rules, and regulations.

Losses incurred.

Revocation of certain proclamations, effect.

Clearance and departure in advance of date of enactment; risk assumed.

Losses incurred.

Certain exemptions extended to neutral vessels; condition.

latitude and west of sixty-six degrees west longitude, (3) to any port on the Pacific or Indian Oceans, including the China Sea, the Tasman Sea, the Bay of Bengal, and the Arabian Sea, and any other dependent waters of either of such oceans, seas, or bays, or (4) to any port on the Atlantic Ocean or its dependent waters south of thirty degrees north latitude. The exceptions contained in this subsection shall not apply to any such port which is included within a combat area as defined in section 3 which applies to such vessels.

(h) The provisions of subsections (a) and (c) of this section shall not apply to transportation by aircraft of mail, passengers, or any articles or materials (except articles or materials listed in a proclamation referred to in or issued under the authority of section 12 (i)) (1) to any port in the Western Hemisphere, or (2) to any port on the Pacific or Indian Oceans, including the China Sea, the Tasman Sea, the Bay of Bengal, and the Arabian Sea, and any other dependent waters of either of such oceans, seas, or bays. The exceptions contained in this subsection shall not apply to any such port which is included within a combat area as defined in section 3 which applies to such aircraft.

(i) Every American vessel to which the provisions of subsections (g) and (h) apply, and every neutral vessel to which the provisions of subsection (1) apply, shall, before departing from a port or from the jurisdiction of the United States, file with the collector of customs of the port of departure, or if there is no such collector at such port then with the nearest collector of customs, a sworn statement (1) containing a complete list of all the articles and materials carried as cargo by such vessel, and the names and addresses of the consignees of all such articles and materials, and (2) stating the ports at which such articles and materials are to be unloaded and the ports of call of such vessel. All transportation referred to in subsections (f), (g), (h), and (1) of this section shall be subject to such restrictions, rules, and regulations as the President shall prescribe; but no loss incurred in connection with any transportation excepted under the provisions of subsections (g), (h), and (1) of this section shall be made the basis of any claim put forward by the Government of the United States.

(j) Whenever all proclamations issued under the authority of section 1 (a) shall have been revoked, the provisions of subsections (f), (g), (h), (i), and (1) of this section shall expire.

(k) The provisions of this section shall not apply to the current voyage of any American vessel which has cleared for a foreign port and has departed from a port or from the jurisdiction of the United States in advance of (1) the date of enactment of this joint resolution, or (2) any proclamation issued after such date under the authority of section 1 (a) of this joint resolution; but any such vessel shall proceed at its own risk after either of such dates, and no loss incurred in connection with any such vessel or its cargo after either of such dates shall be made the basis of any claim put forward by the Government of the United States.

(l) The provisions of subsection (c) of this section shall not apply to the transportation by a neutral vessel to any port referred to in subsection (g) of this section of any articles or materials (except articles or materials listed in a proclamation referred to in or issued under the authority of section 12 (i)) so long as such port is not included within a combat area as defined in section 3 which applies to American vessels.

COMBAT AREAS

SEC. 3. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), and he shall thereafter find that the protection of citizens of the United States so requires, he shall, by proclamation, define combat areas, and thereafter it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel to proceed into or through any such combat area. The combat areas so defined may be made to apply to surface vessels or aircraft, or both.

Combat areas; restrictions.
Post, p. 866.

Application to surface vessels or aircraft, or both.

(b) In case of the violation of any of the provisions of this section by any American vessel, or any owner or officer thereof, such vessel, owner, or officer shall be fined not more than \$50,000 or imprisoned for not more than five years, or both. Should the owner of such vessel be a corporation, organization, or association, each officer or director participating in the violation shall be liable to the penalty hereinabove prescribed. In case of the violation of this section by any citizen traveling as a passenger, such passenger may be fined not more than \$10,000 or imprisoned for not more than two years, or both.

Penalty.

(c) The President may from time to time modify or extend any proclamation issued under the authority of this section, and when the conditions which shall have caused him to issue any such proclamation shall have ceased to exist he shall revoke such proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation.

Authority of President to modify, extend, etc., proclamation.

AMERICAN RED CROSS

SEC. 4. The provisions of section 2 (a) shall not prohibit the transportation by vessels under charter or other direction and control of the American Red Cross, proceeding under safe conduct granted by states named in any proclamation issued under the authority of section 1 (a), of officers and American Red Cross personnel, medical personnel, and medical supplies, food, and clothing, for the relief of human suffering.

Transportation by vessels under control of American Red Cross.
Post, pp. 611, 866.

TRAVEL ON VESSELS OF BELLIGERENT STATES

SEC. 5. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful for any citizen of the United States to travel on any vessel of any state named in such proclamation, except in accordance with such rules and regulations as may be prescribed.

Travel on vessels of belligerent states, restriction.

(b) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

Revocation of proclamation, effect.

ARMING OF AMERICAN MERCHANT VESSELS PROHIBITED

SEC. 6. Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel, engaged in commerce with any foreign state to be armed, except with small arms and ammunition therefor, which the President may deem necessary and shall publicly designate for the preservation of discipline aboard any such vessel.

Arming of American merchant vessels prohibited.

Exception.

FINANCIAL TRANSACTIONS

Dealing in obligations of belligerent states, etc., unlawful.

SEC. 7. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any state named in such proclamation, or of any political subdivision of any such state, or of any person acting for or on behalf of the government of any such state, or political subdivision thereof, issued after the date of such proclamation, or to make any loan or extend any credit (other than necessary credits accruing in connection with the transmission of telegraph, cable, wireless and telephone services) to any such government, political subdivision, or person. The provisions of this subsection shall also apply to the sale by any person within the United States to any person in a state named in any such proclamation of any articles or materials listed in a proclamation referred to in or issued under the authority of section 12 (i).

Sale of certain materials to persons in belligerent states.

Existing indebtedness.

(b) The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of such proclamation.

Penalty.

(c) Whoever shall knowingly violate any of the provisions of this section or of any regulations issued thereunder shall, upon conviction thereof, be fined not more than \$50,000 or imprisoned for not more than five years, or both. Should the violation be by a corporation, organization, or association, each officer or director thereof participating in the violation shall be liable to the penalty herein prescribed.

Revocation of proclamation, effect.

(d) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

SOLICITATION AND COLLECTION OF FUNDS AND CONTRIBUTIONS

Solicitation or receipt of contributions.

SEC. 8. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful for any person within the United States to solicit or receive any contribution for or on behalf of the government of any state named in such proclamation or for or on behalf of any agent or instrumentality of any such state.

Unofficial solicitations to relieve human suffering.

(b) Nothing in this section shall be construed to prohibit the solicitation or collection of funds and contributions to be used for medical aid and assistance, or for food and clothing to relieve human suffering, when such solicitation or collection of funds and contributions is made on behalf of and for use by any person or organization which is not acting for or on behalf of any such government, but all such solicitations and collections of funds and contributions shall be in accordance with and subject to such rules and regulations as may be prescribed.

Rules and regulations.

Revocation of proclamation, effect.

(c) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

AMERICAN REPUBLICS

American republics.

SEC. 9. This joint resolution (except section 12) shall not apply to any American republic engaged in war against a non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war.

RESTRICTIONS ON USE OF AMERICAN PORTS

SEC. 10. (a) Whenever, during any war in which the United States is neutral, the President, or any person thereunto authorized by him, shall have cause to believe that any vessel, domestic or foreign, whether requiring clearance or not, is about to carry out of a port or from the jurisdiction of the United States, fuel, men, arms, ammunition, implements of war, supplies, dispatches, or information to any warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 1 (a), but the evidence is not deemed sufficient to justify forbidding the departure of the vessel as provided for by section 1, title V, chapter 30, of the Act approved June 15, 1917 (40 Stat. 217, 221; U. S. C., 1934 edition, title 18, sec. 31), and if, in the President's judgment, such action will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security or neutrality of the United States, he shall have the power, and it shall be his duty, to require the owner, master, or person in command thereof, before departing from a port or from the jurisdiction of the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that the vessel will not deliver the men, or any fuel, supplies, dispatches, information, or any part of the cargo, to any warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 1 (a).

Restrictions on use of American ports.

18 U. S. C., Supp. V, § 31.

Bond requirement.

(b) If the President, or any person thereunto authorized by him, shall find that a vessel, domestic or foreign, in a port of the United States, has previously departed from a port or from the jurisdiction of the United States during such war and delivered men, fuel, supplies, dispatches, information, or any part of its cargo to a warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 1 (a), he may prohibit the departure of such vessel during the duration of the war.

Vessel delivering cargo to warship, etc., of a belligerent state.

(c) Whenever the President shall have issued a proclamation under section 1 (a) he may, while such proclamation is in effect, require the owner, master, or person in command of any vessel, foreign or domestic, before departing from the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that no alien seaman who arrived on such vessel shall remain in the United States for a longer period than that permitted under the regulations, as amended from time to time, issued pursuant to section 33 of the Immigration Act of February 5, 1917 (U. S. C., title 8, sec. 168). Notwithstanding the provisions of said section 33, the President may issue such regulations with respect to the landing of such seamen as he deems necessary to insure their departure either on such vessel or another vessel at the expense of such owner, master, or person in command.

Temporary stay of alien seamen; bond to insure departure.

39 Stat. 896.

Issuance of regulations.

SUBMARINES AND ARMED MERCHANT VESSELS

SEC. 11. Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions

Restrictions on entry and departure of foreign craft.

Revocation of proclamation, effect.

and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation.

NATIONAL MUNITIONS CONTROL BOARD

Establishment and composition.

SEC. 12. (a) There is hereby established a National Munitions Control Board (hereinafter referred to as the "Board"). The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce. Except as otherwise provided in this section, or by other law, the administration of this section is vested in the Secretary of State. The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions. The Board shall be convened by the chairman and shall hold at least one meeting a year.

Administration.

Rules and regulations.

Meetings.

Registration requirements.

(b) Every person who engages in the business of manufacturing, exporting, or importing any arms, ammunition, or implements of war listed in a proclamation referred to in or issued under the authority of subsection (i) of this section, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

Notice of change in arms, etc.

(c) Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, or implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of \$100. Upon receipt of the required registration fee, the Secretary of State shall issue a registration certificate valid for five years, which shall be renewable for further periods of five years upon the payment for each renewal of a fee of \$100; but valid certificates of registration (including amended certificates) issued under the authority of section 2 of the joint resolution of August 31, 1935, or section 5 of the joint resolution of August 31, 1935, as amended, shall, without payment of any additional registration fee, be considered to be valid certificates of registration issued under this subsection, and shall remain valid for the same period as if this joint resolution had not been enacted.

Registration fee, certificate, etc.

Valid existing certificates.

49 Stat. 1082; 50 Stat. 124.

Export or import of arms, etc., requirements.

(d) It shall be unlawful for any person to export, or attempt to export, from the United States to any other state, any arms, ammunition, or implements of war listed in a proclamation referred to in or issued under the authority of subsection (i) of this section, or to import, or attempt to import, to the United States from any other state, any of the arms, ammunition, or implements of war listed in any such proclamation, without first having submitted to the Secretary of State the name of the purchaser and the terms of sale and having obtained a license therefor.

Maintenance of records.

(e) All persons required to register under this section shall maintain, subject to the inspection of the Secretary of State, or any person or persons designated by him, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Secretary of State shall prescribe.

(f) Licenses shall be issued by the Secretary of State to persons who have registered as herein provided for, except in cases of export or import licenses where the export of arms, ammunition, or implements of war would be in violation of this joint resolution or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued; but a valid license issued under the authority of section 2 of the joint resolution of August 31, 1935, or section 5 of the joint resolution of August 31, 1935, as amended, shall be considered to be a valid license issued under this subsection, and shall remain valid for the same period as if this joint resolution had not been enacted.

Licenses to registrants.

49 Stat. 1082; 50 Stat. 124.

(g) No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this joint resolution.

Purchases on behalf of U. S. from unregistered persons.

(h) The Board shall make a report to Congress on January 3 and July 3 of each year, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war, including the name of the purchaser and the terms of sale made under any such license. The Board shall include in such reports a list of all persons required to register under the provisions of this joint resolution, and full information concerning the licenses issued hereunder, including the name of the purchaser and the terms of sale made under any such license.

Semiannual reports to Congress, contents.

(i) The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section; but the proclamation Numbered 2237, of May 1, 1937 (50 Stat. 1834), defining the term "arms, ammunition, and implements of war" shall, until it is revoked, have full force and effect as if issued under the authority of this subsection.

Proclamation listing arms, ammunition, and implements of war.
Proclamation No. 2237 in effect until revoked.

REGULATIONS

SEC. 13. The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.

Regulations.

UNLAWFUL USE OF THE AMERICAN FLAG

SEC. 14. (a) It shall be unlawful for any vessel belonging to or operating under the jurisdiction of any foreign state to use the flag of the United States thereon, or to make use of any distinctive signs or markings, indicating that the same is an American vessel.

Unlawful use of the American flag.

(b) Any vessel violating the provisions of subsection (a) of this section shall be denied for a period of three months the right to enter the ports or territorial waters of the United States except in cases of force majeure.

Penalty.

GENERAL PENALTY PROVISION

SEC. 15. In every case of the violation of any of the provisions of this joint resolution or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than \$10,000, or imprisoned not more than two years, or both.

General penalty provision.

DEFINITIONS

Definitions.

"United States."

SEC. 16. For the purposes of this joint resolution—

(a) The term "United States", when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia.

"Person."

(b) The term "person" includes a partnership, company, association, or corporation, as well as a natural person.

"Vessel."

(c) The term "vessel" means every description of watercraft and aircraft capable of being used as a means of transportation on, under, or over water.

"American vessel."

(d) The term "American vessel" means any vessel documented, and any aircraft registered or licensed, under the laws of the United States.

"State."

(e) The term "state" shall include nation, government, and country.

"Citizen."

(f) The term "citizen" shall include any individual owing allegiance to the United States, a partnership, company, or association composed in whole or in part of citizens of the United States, and any corporation organized and existing under the laws of the United States as defined in subsection (a) of this section.

SEPARABILITY OF PROVISIONS

Separability of provisions.

SEC. 17. If any of the provisions of this joint resolution, or the application thereof to any person or circumstance, is held invalid, the remainder of the joint resolution, and the application of such provision to other persons or circumstances, shall not be affected thereby.

APPROPRIATIONS

Appropriations authorized.
Post, pp. 90, 650.

SEC. 18. There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this joint resolution.

REPEALS

Repeals.
49 Stat. 1081, 1152; 50 Stat. 121, 3.
Prior offenses, etc.

SEC. 19. The joint resolution of August 31, 1935, as amended, and the joint resolution of January 8, 1937, are hereby repealed; but offenses committed and penalties, forfeitures, or liabilities incurred under either of such joint resolutions prior to the date of enactment of this joint resolution may be prosecuted and punished, and suits and proceedings for violations of either of such joint resolutions or of any rule or regulation issued pursuant thereto may be commenced and prosecuted, in the same manner and with the same effect as if such joint resolutions had not been repealed.

SHORT TITLE

Short title.

SEC. 20. This joint resolution may be cited as the "Neutrality Act of 1939".

Approved, November 4, 1939, 12:04 p. m.

PUBLIC LAWS
ENACTED DURING THE
THIRD SESSION OF THE SEVENTY-SIXTH CONGRESS
OF THE
UNITED STATES OF AMERICA

Begun and held at the City of Washington on Wednesday, January 3, 1940, and terminated on Friday, January 3, 1941

FRANKLIN D. ROOSEVELT, President; JOHN N. GARNER, Vice President; KEY PITTMAN,¹ President of the Senate *pro tempore*; MORRIS SHEPPARD, Acting President of the Senate *pro tempore*, July 25, 1940; ALBEN W. BARKLEY, Acting President of the Senate *pro tempore*, August 31–September 5, 1940; WILLIAM H. KING, Acting President of the Senate *pro tempore*, September 18, October 14–November 18, and elected President of the Senate *pro tempore* November 19, 1940; KENNETH MCKELLAR, Acting President of the Senate *pro tempore*, October 9–13, 1940; WILLIAM B. BANKHEAD,² Speaker of the House of Representatives; SAM RAYBURN, Speaker of the House of Representatives *pro tempore*, February 7–19, April 2–May 6, September 11–15, and elected Speaker of the House of Representatives September 16, 1940; JOHN W. MCCORMACK, Speaker of the House of Representatives *pro tempore*, December 5–18, 1940; WILLIAM P. COLE, Jr., Speaker of the House of Representatives *pro tempore*, December 19, 1940–January 2, 1941.

[CHAPTER 1]

AN ACT

To provide for the protection of witnesses appearing before any department, independent establishment, or other agency of the United States, or the Congress of the United States.

January 13, 1940
[H. R. 6832]
[Public, No. 401]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Criminal Code of the United States be amended by inserting therein a new section immediately following section 135 (U. S. C., title 18, sec. 241) to be known as section 135 (a) (U. S. C., title 18, sec. 241 (a)) and reading as follows:

Criminal Code,
amendment.

“SEC. 135. (a) That whoever corruptly, or by threats or force, or by any threatening letter or communication, shall endeavor to influence, intimidate, or impede any witness in any proceeding pending before any department, independent establishment, board, commission, or other agency of the United States, or in connection with any inquiry or investigation being had by either House, or any committee of either House, or any joint committee of the Congress of the United States, or who corruptly or by threats or force, or by any threatening letter or communication shall influence, obstruct, or impede, or endeavor to influence, obstruct, or impede the due and proper administration of the law under which such proceeding is being had before such department, independent establishment, board, commission, or other agency of the United States, or the due and proper exercise of the power of inquiry under which such inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress of the United States shall be fined not more than \$1,000 or imprisoned not more than one year, or both.”

Witnesses before
governmental agencies or Congressional
committees.
Influencing, etc.

Obstruction of ad-
ministration of law.

Penalty.

Approved, January 13, 1940.

¹ [Died November 10, 1940, 12:35 a. m.]

² [Died September 15, 1940, 1:35 a. m.]

[CHAPTER 2]

AN ACT

January 17, 1940
[H. R. 884]
[Public, No. 402]

To add certain lands to the Siuslaw National Forest in the State of Oregon.

Siuslaw National
Forest, Oreg.
Lands added.

Description.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of forest management and municipal watershed protection, the following-described lands, excepting such subdivisions as were revested in the ownership of the United States by the Act approved June 9, 1916 (39 Stat. 218), or now are parts of the unappropriated public domain, are hereby added and made a part of the Siuslaw National Forest in the State of Oregon subject to valid existing rights and all of the added lands owned by the United States shall hereafter be administered subject to all the laws and regulations governing the national forests: All of township 12 south, range 7 west; all of township 12 south, range 8 west; section 19, sections 29 to 32, inclusive, and sections 34 to 36, inclusive, in township 12 south, range 9 west; south half section 10, south half section 13, sections 14 and 15, sections 22 to 27, inclusive, and sections 34 to 36, inclusive, in township 12 south, range 10 west; sections 2 to 11, inclusive, sections 15 to 21, inclusive, and sections 30 and 31 in township 13 south, range 7 west; all of township 13 south, range 8 west; sections 1 to 5, inclusive, east half section 8, sections 9 and 10, north half section 11, sections 12 and 13, north half section 15, sections 16, 17, and 20, north half section 21 and sections 24 and 36 in township 13 south, range 9 west, all Willamette base and meridian.

Approved, January 17, 1940.

[CHAPTER 3]

AN ACT

January 17, 1940
[H. R. 8919]
[Public, No. 403]

To provide for the refunding of the bonds of municipal corporations and public-utility districts in the Territory of Alaska, to validate bonds which have heretofore been issued by a municipal corporation or any public-utility district in the Territory of Alaska, and for other purposes.

Alaska.
Provisions for re-
funding certain bond-
ed indebtedness, etc.

Refunding bonds,
use of proceeds.

Exchange for out-
standing bonds.

Payment of accrued
interest.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any municipal corporation or any public-utility district in the Territory of Alaska shall have outstanding any bonded indebtedness or bonds payable from the revenues from any municipal or public utility, it shall be lawful for said municipal corporation or public-utility district through its common council or board of directors, or other governing body, as the case may be, to issue its bonds and to sell such bonds and apply the proceeds of the sale in payment of the bonds for the payment of which such refunding bonds are issued, or to exchange same for such outstanding bonds constituting said indebtedness, or, as the case may be, for such outstanding bonds payable from the revenues of a municipal or public utility. Said refunding bonds may be exchanged privately for and in payment and discharge of any outstanding bonds of a municipal or public-utility district. Refunding bonds payable from the revenues of a municipal or public utility may be exchanged for a like or greater amount of outstanding bonds payable from the revenues of such municipal or public utility, and the principal amount of such refunding bonds may exceed the principal amount of such outstanding bonds to the extent necessary or advisable to fund interest in arrears or about to become due on such outstanding bonds. The holder or holders of any outstanding bonds need not pay accrued interest on the refunding bonds to be delivered in exchange therefor if, and to the

extent that interest is due or accrued and unpaid on the outstanding bonds to be surrendered. No election shall be required to authorize the issuance and sale of such refunding bonds and the issuance and sale thereof may be authorized, and all proceedings with reference thereto prescribed, by ordinance or resolution of the common council, or the board of directors, or other governing body, of the municipal corporation or public-utility district, as the case may be, at any legally called meeting thereof. Such refunding bonds shall not be subject to the limitations of bonded indebtedness prescribed by Public Law Numbered 626, Seventy-fourth Congress (49 Stat. 1388), as amended, or by the provisions of Public Law Numbered 563, Seventy-fifth Congress (52 Stat. 589), or by any other debt-limitations law applicable to municipal corporations or public-utility districts in the Territory of Alaska: *Provided*, That the total debt of the municipal corporation or public-utility district shall not be increased by such refunding operations.

SEC. 2. Bonds issued pursuant to this Act shall bear such date or dates, may be in such denominations, may mature in such amounts at such time or times, not exceeding thirty years from the date thereof, may be payable at such place or places, may be sold at either public or private sale, or exchanged as above provided, may be redeemable (either with or without premium) or nonredeemable, may carry such registration privileges as to either principal and interest, or principal only, and may be executed by such officers and in such manner, as shall be prescribed by the common council or board of directors or other governing body of the municipality or public-utility district issuing the bonds. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signatures, whether manual or facsimile, shall, nevertheless, be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery. The bonds so issued shall bear interest at a rate to be fixed by the governing body of the municipality issuing the same, not to exceed, however, 6 per centum per annum payable semiannually, and in no event to exceed the rate of interest paid on the bonds to be so refunded. Such bonds shall at all times be, and shall be, treated as negotiable instruments for all purposes. In case such bonds are sold rather than exchanged the purchase price thereof shall be not less than par plus accrued interest.

SEC. 3. It shall be the duty of the governing body of every municipal corporation or public-utility district which issues such bonds under the authority of this Act to levy or to cause to be levied each year during the life of such bonds taxes in amounts sufficient seasonably to provide for payment of and to pay all interest on and the principal of such obligations as they respectively accrue and mature: *Provided, however*, That the provisions of this section shall not apply to bonds which by their terms are to be paid from the revenues of a public utility owned or operated by such municipal corporation or public-utility district and are not general obligations of the municipal corporation or public-utility district. Such refunding bonds which are to be paid from the revenues of a municipal or public utility shall be secured by the same lien on or pledge of the revenues of said utility as the outstanding bonds to be refunded.

SEC. 4. (a) All bonds which have heretofore been issued by any municipal corporation or any public-utility district in the Territory of Alaska, and all proceedings for the authorization and issuance of such bonds and the sale, execution, and delivery thereof, hereby are validated, ratified, approved, and confirmed, notwithstanding any defects or irregularities in such proceedings. Said bonds heretofore

Issuance, etc., of refunding bonds, authorization.

Debt-limitations laws not to apply.

48 U. S. C., Supp. V, §§ 44a-44e.

48 U. S. C., Supp. V, §§ 315-315d.

Proviso.
Total debt, restriction on increase.

Bonds; denominations, maturity.

Registration privileges.

Validity of signatures.

Interest rate.

Negotiability; sale.

Annual levy for interest payment and retirement.

Proviso.
Exception.

Validation of bonds heretofore issued.

issued and sold are declared to be, and shall be, in the actual form in which such bonds have been issued, the binding and legal obligations of the municipal corporation or public-utility district issuing the same.

Validation of proceedings to incur bonded indebtedness, etc.

48 U. S. C., Supp. V, §§ 44a-44e.
48 U. S. C., Supp. V, §§ 315-315d.

Issuance of negotiable bonds.

(b) All proceedings heretofore taken by any municipal corporation or any public-utility district in the Territory of Alaska in connection with proposals to incur bonded indebtedness or to issue negotiable bonds pursuant to the provisions of the Act of May 28, 1936 (49 Stat. 1388), as amended, or of the Act of May 31, 1938 (52 Stat. 589), which may have been heretofore submitted to those of the qualified electors of the municipal corporation or public-utility district whose names appeared upon the tax-assessment roll of such corporation or district last completed prior to the holding of the election, are hereby validated, ratified, and confirmed, notwithstanding any defects or irregularities in such proceedings; and the fact that the indebtedness heretofore authorized by the electors at the time of the submission to them of the proposal to incur a bonded indebtedness or to issue negotiable bonds may have exceeded the limit of indebtedness which may have been applicable at the time of such authorization under the terms of either of said acts shall not serve to prevent the issuance of negotiable bonds, at any time or times, in any amount or amounts which, at the time or times of such issuance, will not cause the aforesaid limitations to be exceeded.

Approved, January 17, 1940.

[CHAPTER 11]

AN ACT

January 20, 1940

[S. 1554]

[Public, No. 404]

To provide that the district judge for the western district of Washington, authorized to be appointed under the Act of May 31, 1938, shall be a district judge for the eastern and western districts of Washington.

Washington, western district.
District judge for, to serve also for eastern district.

52 Stat. 585.
28 U. S. C., Supp. V, § 4t.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the district judge, authorized to be appointed for the western district of Washington under the Act entitled "An Act to provide for the appointment of additional judges for certain United States district courts, circuit courts of appeals, and certain courts of the United States for the District of Columbia", approved May 31, 1938 (Public Act Numbered 555, Seventy-fifth Congress, third session), shall be a district judge for the eastern and western districts of Washington.

Approved, January 20, 1940.

[CHAPTER 12]

AN ACT

January 25, 1940

[S. 1335]

[Public, No. 405]

Relating to the filing of affidavits of prejudice in the district court for the District of Alaska.

District court for District of Alaska.
31 Stat. 444.
Disqualification of judicial officers.

Affidavit of personal bias or prejudice of judge, filing of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 707, chapter 70, of title II of the Act entitled "An Act making further provision for a civil government for Alaska, and for other purposes", approved June 6, 1900, as amended (section 3305 of the Compiled Laws of the Territory of Alaska, 1933), is amended by striking out the period at the end of paragraph "Fourth" and inserting in lieu thereof a semicolon and the following new paragraph:

"Fifth. Whenever any party, or an attorney for any party, to any action or proceeding, civil or criminal, shall make and file an affidavit that the judge before whom the action or proceeding is to be tried or heard has a personal bias or prejudice either against him

or his attorney or in favor of any opposite party, or attorney for an opposite party, to the suit, and that it is made in good faith and not for the purpose of delay. Every such affidavit shall state the facts and the reasons for the belief that such bias or prejudice exists, and shall be filed within one day after such action, suit, or proceeding is at issue upon a question of fact, or good cause shall be shown for the failure to file it within such time. No party or attorney shall be entitled to file more than one such affidavit in any case. The provisions of this subdivision shall apply only to the District Court."

Approved, January 25, 1940.

Statement of facts and reasons for belief; time limitation.

Application of provisions.

[CHAPTER 13]

AN ACT

To amend section 22 of the Agricultural Adjustment Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 22 of the Agricultural Adjustment Act of 1933, as amended, and as reenacted by section 1 (k) of the Agricultural Marketing Agreement Act of 1937, as amended, is amended by inserting after the words "Soil Conservation and Domestic Allotment Act, as amended", wherever they appear, the words and figures ", or section 32, Public Law Numbered 320, Seventy-fourth Congress, approved August 24, 1935, as amended"; by inserting in subsection (a) after the word "being" the words "or are practically certain to be"; by striking out in subsection (b) the words "limitations on the total quantities of any article or articles which may be imported" and by inserting in lieu thereof the words "fees on, or such limitations on the total quantities of, any article or articles which may be entered, or withdrawn from warehouse, for consumption"; by striking out in subsection (b) the expression "July 1, 1928, to June 30, 1933" and inserting in lieu thereof the expression "January 1, 1929, to December 31, 1933"; and by amending subsection (c) to read as follows: "The fees and import restrictions proclaimed by the President under this section and any revocation, suspension, or modification thereof, shall become effective on such date as shall be specified in such proclamation, revocation, suspension, or modification, and such fees, which shall not be in excess of 50 per centum ad valorem, shall be treated for the purposes of all provisions of law relating to customs revenue as duties imposed by the Tariff Act of 1930."

Approved, January 25, 1940.

January 25, 1940
[H. R. 7171]

[Public, No. 406]

Agricultural Adjustment Act, amendments.
49 Stat. 773; 50 Stat. 246.
7 U. S. C., Supp. V, § 624.
Import provisions.

49 Stat. 774.
7 U. S. C., Supp. V, § 612c.

Fees and import restrictions.

46 Stat. 500.
19 U. S. C. ch. 4; Supp. V, ch. 4.

[CHAPTER 14]

AN ACT

Authorizing States owning lands or interests therein acquired from the United States to include the same in certain agreements for the conservation of oil and gas resources.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of any applicable grant, deed, patent, exchange, or law of the United States, any State owning lands or interests therein acquired by it from the United States may consent to the operation or development of such lands or interests, or any part thereof, under agreements approved by the Secretary of the Interior made jointly or severally with lessees or permittees of lands or mineral deposits of the United States or others, for the purpose of more properly conserving the oil and gas resources within such State. Such agreements may provide for the cooperative or unit operation or development of part or all of any oil or gas pool, field,

Conservation of oil and gas resources.
Inclusion by States in certain agreements for, of lands, etc., acquired from U. S.

Provisions and terms.

Proviso.
Title or ownership
of lands; construction
of Act.

or area; for the allocation of production and the sharing of proceeds from the whole or any specified part thereof regardless of the particular tract from which production is obtained or proceeds are derived; and, with the consent of the State, for the modification of the terms and provisions of State leases for lands operated and developed thereunder, including the term of years for which said leases were originally granted, to conform said leases to the terms and provisions of such agreements: *Provided*, That nothing in this Act contained, nor the effectuation of it, shall be construed as in any respect waiving, determining or affecting any right, title, or interest, which otherwise may exist in the United States, and that the making of any agreement, as provided in this Act, shall not be construed as an admission as to the title or ownership of the lands included.

Approved, January 26, 1940.

[CHAPTER 16]

AN ACT

January 26, 1940
[S. 1919]
[Public, No. 408]

To provide for the acquisition by the United States of the estate of Patrick Henry in Charlotte County, Virginia, known as Red Hill.

Estate of Patrick
Henry, acquisition of;
cost.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to acquire by purchase, or otherwise, on behalf of the United States, at a cost not to exceed \$100,000, the estate of Patrick Henry in Charlotte County, Virginia, known as Red Hill.

Use; administra-
tion.

SEC. 2. The property acquired under the provisions of this Act shall be a permanent public memorial to Patrick Henry, and shall be administered as the Patrick Henry National Monument, as provided in the Act entitled "An Act to provide for the establishment of a national monument on the site of Red Hill, estate of Patrick Henry", approved August 15, 1935.

49 Stat. 652.
16 U. S. C., Supp. V,
§§ 450f-450k.
Appropriation au-
thorized.
Post, p. 448.

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.

Approved, January 29, 1940.

[CHAPTER 17]

JOINT RESOLUTION

January 31, 1940
[H. J. Res. 419]
[Pub. Res., No. 55]

To extend, for three additional months, the time during which articles imported free of duty for exhibition at the Golden Gate International Exposition or the New York World's Fair, may be sold or abandoned.

Golden Gate Inter-
national Exposition.
Imported exhibits,
time extension for sale,
abandonment, etc.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution providing for the importation of articles free from tariff or customs duty for the purpose of exhibition at the Golden Gate International Exposition to be held at San Francisco, California, in 1939, and for other purposes", approved May 18, 1937, as amended, is amended by striking out the words "within three months" wherever appearing therein and inserting in lieu thereof the words "within six months".

50 Stat. 187; 53 Stat.
626.

New York World's
Fair 1939.
Imported exhibits,
time extension for sale,
abandonment, etc.

SEC. 2. That the joint resolution entitled "Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the New York World's Fair 1939, New York City, New York, to be admitted without payment of tariff, and for other purposes", approved August 16, 1937, as amended, is amended by striking out the words "within three months" wherever appearing therein and inserting in lieu thereof the words "within six months".

50 Stat. 668; 53 Stat.
625.

Approved, January 31, 1940.

[CHAPTER 18]

AN ACT

To amend section 355 of the Revised Statutes, as amended, to make permissive the acquisition of legislative jurisdiction over land or interests in land acquired by the United States.

February 1, 1940
[H. R. 7293]
[Public, No. 409]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 355 of the Revised Statutes of the United States (U. S. C., title 33, sec. 733; title 34, sec. 520; title 40, sec. 255; and title 50, sec. 175) be, and the same is hereby, amended to read as follows:

"Sec. 355. No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy yard, custom-house, lighthouse, or other public building of any kind whatever, until the written opinion of the Attorney General shall be had in favor of the validity of the title. The district attorneys of the United States, upon the application of the Attorney General, shall furnish any assistance or information in their power in relation to the titles of the public property lying within their respective districts. And the secretaries of the departments, upon the application of the Attorney General, shall procure any additional evidence of title which he may deem necessary, and which may not be in the possession of the officers of the Government, and the expense of procuring it shall be paid out of the appropriations made for the contingencies of the departments, respectively: *Provided, however,* That in all cases of the acquisition of land or any interest therein by the United States for the purposes herein specified or for other purposes, wherein the written opinion of the Attorney General in favor of the validity of the title of such land is or may be required or authorized by law, the Attorney General may, in his discretion, base such opinion upon a certificate of title of a title company. Notwithstanding any other provision of law, the obtaining of exclusive jurisdiction in the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required; but the head or other authorized officer of any department or independent establishment or agency of the Government may, in such cases and at such times as he may deem desirable, accept or secure from the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, consent to or cession of such jurisdiction, exclusive or partial, not theretofore obtained, over any such lands or interests as he may deem desirable and indicate acceptance of such jurisdiction on behalf of the United States by filing a notice of such acceptance with the Governor of such State or in such other manner as may be prescribed by the laws of the State where such lands are situated. Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted.

Lands, etc., purchased by United States for public buildings.
Validity of title to; requirements.
Post, p. 1083.

Proviso.
Certificate of title company.

Exclusive jurisdiction not required.

Acceptance of jurisdiction from State.

Approved, February 1, 1940.

[CHAPTER 19]

AN ACT

To amend the Emergency Farm Mortgage Act of 1933, as amended.

February 1, 1940
[H. R. 7342]
[Public, No. 410]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tenth sentence of section 32 of the Emergency Farm Mortgage Act of 1933, as amended (U. S. C., title 12, sec. 1016), is further amended by striking out "February 1, 1940" in the two places in which it appears and inserting in lieu thereof "June 1, 1942".

Approved, February 1, 1940.

Emergency Farm Mortgage Act, amendment.
49 Stat. 314.
12 U. S. C., Supp. V, § 1016 (g).
Time extension for making loans.

[CHAPTER 20]

AN ACT

February 6, 1940

[S. 1820]

[Public, No. 411]

Texas.
Conveyance of cer-
tain land to, author-
ized.

Description.

To provide for the transfer of certain land owned by the United States to the State of Texas; and certain other land to the county of Galveston, Texas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is authorized and directed to convey to the State of Texas, all right, title, and interest of the United States in and to all of that certain tract or parcel of land out of lot 525, section 1, Trimble and Lindsey Survey, Galveston Island, Texas, described as follows:

Beginning at the southwest corner of said lot 525 as established by United States Engineers for the southwest corner of a two and one-tenth acre tract owned by the United States of America and described in book 329, pages 628, Deed Records, Galveston County, Texas; thence north twenty-five degrees eleven minutes west along the westerly line of said two and one-tenth acre tract one hundred and sixty-five feet to the northwest corner of said two and one-tenth acre tract two hundred and forty-one and nine-tenths minutes east along the northerly line of said two and one-tenth acre tract two hundred and forty-one and nine-tenths feet to a point in a right angle jog in the northerly right-of-way line of the State highway leading to the new causeway across Galveston Bay, as said State highway is shown on plat of record in the office of the county clerk, Galveston County, Texas, to which plat reference is hereby made; thence south twenty-nine degrees two minutes west perpendicular to said center line of proposed State highway thirty-two and six-tenths feet to a point two hundred feet perpendicularly distant northerly from said center line of proposed State highway; thence south sixty degrees fifty-eight minutes east parallel to said center line one hundred and eighty feet to the southerly line of said two and one-tenth acre tract; thence south sixty-four degrees forty-nine minutes west along the southerly line of said two and one-tenth acre tract three hundred and twenty feet to the place of beginning, contains nine hundred and ninety-six one-thousandths acre.

It is the intention in the above description to include all of that portion of said two and one-tenth acre tract owned by the United States of America that is within the limits of the right-of-way of said State highway.

Galveston County,
Tex.
Conveyance of cer-
tain land to, author-
ized.

Description.

SEC. 2. The Secretary of War is authorized and directed to convey to the county of Galveston, Texas, all the right, title, and interest of the United States in and to all of that certain tract or parcel of land out of lot 525, section 1, Trimble and Lindsey Survey, Galveston Island, Texas, described as follows:

Beginning at the intersection of the northerly right-of-way line of the State highway leading to the new causeway across Galveston Bay, as said State highway is shown on map of record in the office of the county clerk, Galveston County, Texas, with the southerly line of the United States of America two and one-tenth acre tract of land on Galveston Island, Texas, and described in book 329, pages 628 and 629, Deed Records, Galveston County, Texas; thence from said beginning point north sixty degrees fifty-eight minutes west along said State highway northerly right-of-way line one hundred and eighty feet to a right angle jog to the right in said right-of-way line; thence north twenty-nine degrees two minutes east thirty-two and six-tenths feet to the northerly line of said United States of America two and one-tenth acre tract; thence north sixty-four degrees forty-nine minutes east two hundred and fifty-three and eight-tenths feet, more or less, to the southerly right-of-way line of the old State Highway Numbered 6, formerly a county road; thence south sixty degrees fifty-eight minutes east two hundred and three and four-tenths feet along said

southerly right-of-way of the old State Highway Numbered 6 to the said southerly line of the United States of America two and one-tenth acre tract; and thence south sixty-four degrees forty-nine minutes west along said southerly line of two and one-tenth acre tract two hundred and eighty-two and two-tenths feet, more or less, to the place of beginning. Contains one and one hundred and four one-thousandths acres.

SEC. 3. The grantee in each case shall bear any expense (other than for the preparation of the deeds) necessary to carry out the provisions of this Act, but shall not be required to pay any consideration for the right, title, and interest conveyed: *Provided*, That the Secretary of War is authorized to make such deviations in the description of the lands above described as may be necessary to carry out the purpose and intent of this Act.

Approved, February 6, 1940.

Grantee to bear certain expense.

Proviso.
Necessary deviations in description authorized.

[CHAPTER 21]

AN ACT

For the relief of World War sailors and marines who were discharged from the United States Navy or United States Marine Corps because of minority or misrepresentation of age.

February 9, 1940
[H. R. 5734]
[Public, No. 412]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of law conferring rights, privileges, or benefits upon honorably discharged sailors of the United States Navy and upon honorably discharged marines of the United States Marine Corps, their widows and dependent children, a sailor or marine who served as an enlisted man between April 6, 1917, and November 11, 1918, both dates inclusive, and who was discharged for fraudulent enlistment on account of minority or misrepresentation of age, shall hereafter be held and considered to have been honorably discharged from the naval service on the date of his actual separation therefrom if his service otherwise was such as would have entitled him to an honorable discharge: *Provided*, That no back pay or allowance shall accrue by reason of the passage of this Act: *Provided further*, That in all such cases the Navy Department shall, upon request, grant to such men, or their widows, a discharge certificate showing that the sailor or marine is held and considered to have been honorably discharged under the provisions of this Act.

World War sailors and marines.
Discharge because of minority, etc., deemed honorable discharge.

Provisos.
No back pay, etc.
Issuance of certificates.

Approved, February 9, 1940.

[CHAPTER 22]

AN ACT

Giving the consent of Congress to the addition of lands to the State of Texas and ceding jurisdiction to the State of Texas over certain parcels or tracts of land heretofore acquired by the United States of America from the United Mexican States.

February 9, 1940
[H. R. 6124]
[Public, No. 413]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the acceptance of this Act by the State of Texas all of the parcels or tracts of land lying adjacent to the territory of the State of Texas, which were acquired by the Government of the United States of America by virtue of the convention between the United States of America and the United Mexican States signed February 1, 1933, shall be and become a geographical part of the State of Texas and shall be under the civil and criminal jurisdiction of the said State, without affecting the ownership of the said lands.

Texas.
Certain lands adjacent to, acquired from United Mexican States, ceded to State.

48 Stat. 1621.

Subject to State jurisdiction.

Approved, February 9, 1940.

[CHAPTER 25]

AN ACT

February 12, 1940
[H. R. 4532]
[Public, No. 414]

District Court of the
United States for
Puerto Rico.

39 Stat. 967.
48 U. S. C. § 873.

Rules of civil procedure, etc., in U. S. district courts made applicable to.

Effective date.

To make effective in the District Court of the United States for Puerto Rico rules promulgated by the Supreme Court of the United States governing pleading, practice, and procedure in the district courts of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a new section be inserted in the Act entitled "An Act to provide a civil government for Porto Rico, and for other purposes", approved March 2, 1917 (39 Stat. 951), as amended, immediately following section 49 thereof, to read as follows:

"49a. That the rules heretofore or hereafter promulgated and made effective by the Supreme Court of the United States under authority of the Act approved June 19, 1934 (48 Stat. 1064; U. S. C., title 28, secs. 723b, 723c), or under authority of any other statute, regulating the forms of process, writs and motions, and the pleadings, practice, and procedure, in actions of a civil nature in the district courts of the United States, and regulating appeals therefrom, shall apply to the District Court of the United States for Puerto Rico and to appeals therefrom."

SEC. 2. This Act shall become effective March 1, 1940.

Approved, February 12, 1940.

[CHAPTER 27]

AN ACT

February 12, 1940
[H. R. 7805]
[Public, No. 415]

Emergency Supplemental Appropriation Act, 1940.

Making supplemental appropriations for the Military and Naval Establishments, Coast Guard, and Federal Bureau of Investigation, for the fiscal year ending June 30, 1940, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Military and Naval Establishments, Coast Guard, and Federal Bureau of Investigation, for the fiscal year ending June 30, 1940, and for other purposes, namely:

TITLE I—WAR DEPARTMENT

SALARIES, WAR DEPARTMENT

Temporary employees, designated offices.
55 Stat. 392, 992,
1327.

Salary restriction.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

Exception.

For an additional amount for compensation for personal services in the District of Columbia, for temporary employees, as follows:

Office of Secretary of War, \$4,025.

Adjutant General's office, \$52,685.

Office of the Chief of Finance, \$30,949.

Office of the Quartermaster General, \$27,900.

Office of Chief of Infantry, \$960.

In all, salaries, War Department, \$116,519.

In expending appropriations or portions of appropriations contained in each title of this Act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often

than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law; or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Proviso.
Restriction not applicable in designated cases.

42 Stat. 1490.
5 U. S. C. § 666.

OFFICE OF THE SECRETARY

CONTINGENT EXPENSES, WAR DEPARTMENT

For an additional amount for contingent expenses, War Department, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$44,600.

Department contingent expenses.

53 Stat. 594.

PRINTING AND BINDING, WAR DEPARTMENT

For an additional amount for printing and binding for the War Department, except such as may be otherwise provided for in accordance with existing law, \$290,160.

Printing and binding.
53 Stat. 594.

MILITARY ACTIVITIES

GENERAL STAFF CORPS

MILITARY INTELLIGENCE ACTIVITIES

For an additional amount for military intelligence activities, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$25,000.

Military intelligence activities.
53 Stat. 595.

FIELD EXERCISES

For an additional amount for the conduct of special field exercises, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$15,000,000, to remain available until June 30, 1941: *Provided*, That this appropriation may be used for troop movements and travel of personnel of the Regular Army in connection with field exercises, including special combat training for small units; for rental of land or purchase of options to rent land without reference to section 3648 of the Revised Statutes; for the use or repair of private property; and settlement of claims (not exceeding \$500 in any one case) for damages to or loss of private property resulting from such exercises, heretofore or hereafter accrued, when payment thereof will be accepted by the owners of the property in full satisfaction of such damages, and when each claim is substantiated in such manner as the Secretary of War may prescribe by regulation and is approved by the Secretary of War, or by such officer as he may designate, such action thereon to be conclusive.

Special field exercises.

53 Stat. 595.

Proviso.
Availability.

Rent, etc.
31 U. S. C. § 529.

Private property damage claims.

ADJUTANT GENERAL'S DEPARTMENT

WELFARE OF ENLISTED MEN

For an additional amount for welfare of enlisted men, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$33,938.

Welfare of enlisted men.
53 Stat. 596.

FINANCE DEPARTMENT

PAY OF THE ARMY

Pay of the Army.

53 Stat. 596.
Proviso.
 Certain limitations
 waived.

For an additional amount for pay of the Army, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$12,714,196: *Provided*, That this appropriation shall not be subject to the limitations as to numbers of commissioned officers and enlisted men specified under this head in such Act.

TRAVEL OF THE ARMY

Travel of the Army.

53 Stat. 597.

For an additional amount for travel of the Army, comprising the same objects specified under this head in the Military Appropriation Act, 1940, including travel of dependents of retired personnel when ordered to active duty and upon relief therefrom, \$2,724,444.

FINANCE SERVICE

Personal services.
 53 Stat. 599.

For an additional amount for compensation of clerks and other employees of the Finance Department, \$93,874.

QUARTERMASTER CORPS

Subsistence of the
 Army.
 53 Stat. 599.

Subsistence of the Army: For an additional amount for subsistence of the Army, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$2,737,488.

Regular supplies of
 the Army.

53 Stat. 600.

Regular supplies of the Army: For an additional amount for regular supplies of the Army, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$1,201,641.

Clothing and equi-
 page.

53 Stat. 600.

Clothing and equipage: For an additional amount for clothing and equipage for the Army, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$5,550,199.

Incidental expenses.

53 Stat. 601.

Incidental expenses of the Army: For an additional amount for incidental expenses of the Army, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$552,856.

Army transporta-
 tion.

53 Stat. 601.

Army transportation: For an additional amount for Army transportation, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$21,962,564, such sum to be available for packing, crating, and transportation of authorized baggage and household effects of retired personnel when ordered to active duty and upon relief therefrom, and for the purchase (not exceeding \$2,000,000) of passenger-carrying vehicles.

Vehicles.

HORSES, DRAFT AND PACK ANIMALS

Purchase, etc.

53 Stat. 602.

For an additional amount for the purchase of draft and pack animals and horses, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$15,000.

MILITARY POSTS

Construction, etc.,
 at designated posts.

53 Stat. 602, 994,
 1327.

For an additional amount to be added to the appropriation "Construction of Buildings, Utilities, and Appurtenances at Military Posts," contained in the Military Appropriation Act, 1940, \$611,800, to be applied as follows: For temporary shelter, Air Corps, Puerto Rico, \$319,000; temporary hangar, Air Corps, Panama, \$92,800; additional amount for housing for shop testing facilities, Chanute Field, Illinois, \$200,000.

ACQUISITION OF LAND

McChord Field,
 Wash.

For the acquisition of approximately two hundred thousand acres as a bombing area for use in connection with McChord Field, Washington, \$200,000; for the acquisition of approximately forty-

eight thousand acres as a bombing area in connection with Hamilton Field, California, \$150,000; and for the acquisition of approximately eight hundred acres in Puerto Rico for the establishment of a general depot and cantonment area and the enlargement of Camp Buchanan, as authorized in the Acts of July 2, 1917, and April 11, 1918 (50 U. S. C. 171), \$200,000; in all, \$550,000, to remain available until expended.

Hamilton Field,
Calif.

Puerto Rico.
Camp Buchanan.
40 Stat. 241, 518.

BARRACKS AND QUARTERS AND OTHER BUILDINGS AND UTILITIES

For an additional amount for barracks and quarters and other buildings and utilities, comprising the same objects specified under this head in the Military Appropriation Act, 1940, including general overhead expenses of transportation, engineering, supplies, inspection, and supervision, \$9,750,000.

Construction, etc.

53 Stat. 603.

CONSTRUCTION AND REPAIR OF HOSPITALS

For an additional amount for construction and repair of hospitals comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$750,000.

Construction and
repair of hospitals.
53 Stat. 604.

SIGNAL CORPS

SIGNAL SERVICE OF THE ARMY

For an additional amount for signal service of the Army, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$1,761,998.

Expenses.

53 Stat. 604.

AIR CORPS

AIR CORPS, ARMY

For an additional amount for Air Corps, Army, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$1,787,358, of which not to exceed \$262,000 shall remain available until June 30, 1941: *Provided*, That the Secretary of War is authorized to sell to civilian flying schools at which flying cadets are being given flying training under the provisions of the Act of April 3, 1939 (53 Stat. 555), and under contracts which require such schools to maintain and repair Army airplanes furnished them for this purpose, such spare parts and accessories as may be needed for such repair, at a price, free on board shipping point, not in excess of the contract cost of such materials to the Government, plus the cost of packing and handling.

Designated objects.
53 Stat. 605.

Proviso.
Sales to certain ci-
vilian flying schools.

MEDICAL DEPARTMENT

ARMY

MEDICAL AND HOSPITAL DEPARTMENT

For an additional amount for Medical and Hospital Department, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$1,389,128.

Expenses.

53 Stat. 607.

HOSPITAL CARE, CANAL ZONE GARRISONS

For an additional amount for hospital care, Canal Zone garrisons, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$30,000.

Expenses.

53 Stat. 607.

CORPS OF ENGINEERS

ENGINEER SERVICE, ARMY

Designated objects.

53 Stat. 608.

For an additional amount for Engineer Service, Army, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$2,000,000, to remain available until June 30, 1941.

ORDNANCE DEPARTMENT

ORDNANCE SERVICE AND SUPPLIES, ARMY

Ordnance service
and supplies.

53 Stat. 608.

Pay and allowances.

For an additional amount for ordnance service and supplies, Army, comprising the same objects specified under this head in the Military Appropriation Act, 1940, and including pay and allowances of Ordnance Reserve officers and Specialist Reserve officers ordered to active duty to carry out the purposes of this appropriation, \$5,625,055.

CHEMICAL WARFARE SERVICE

Expenses.

53 Stat. 609.

For an additional amount for Chemical Warfare Service, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$73,885.

CHIEF OF INFANTRY

INFANTRY SCHOOL, FORT BENNING, GEORGIA

Instruction expen-
ses.

53 Stat. 609.

For an additional amount for the Infantry School, Fort Benning, Georgia, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$960.

CHIEF OF CAVALRY

INSTRUCTION IN CAVALRY ACTIVITIES

Instruction expen-
ses.

53 Stat. 609.

For an additional amount for instruction in cavalry activities, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$960.

CHIEF OF COAST ARTILLERY

COAST ARTILLERY SCHOOL, FORT MONROE, VIRGINIA

Instruction expen-
ses.

53 Stat. 610.

For an additional amount for the Coast Artillery School, Fort Monroe, Virginia, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$2,880.

NATIONAL GUARD

ARMING, EQUIPPING, AND TRAINING THE NATIONAL GUARD

Care of materials,
animals, etc.

For an additional amount for compensation of help for care of materials, animals, and equipment, including the compensation of employees engaged upon Federal property custodial and accounting work in the offices of property and disbursing officers for the United States, \$15,700.

Camps of instruc-
tion.

53 Stat. 611.

For an additional amount for expenses, camps of instruction, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$4,583,752.

Service schools.

For an additional amount for expenses, selected officers and enlisted men, military service schools, \$505,825.

Equipment and in-
struction.

53 Stat. 611.

For an additional amount for general expenses, equipment, and instruction, National Guard, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$175,641.

For an additional amount for travel of officers, warrant officers, and enlisted men of the Regular Army detailed to, or while on duty with, the National Guard, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$32,186.

For an additional amount for transportation of equipment and supplies, \$181,179.

For an additional amount for pay of National Guard (armory drills), \$5,469,962.

No part of the appropriations contained in this title shall be available for pay, allowances, or traveling or other expenses of any officer or enlisted man of the National Guard who may be drawing a pension, disability allowance, disability compensation, or retired pay (where retirement has been made on account of physical disability or age) from the Government of the United States: *Provided*, That nothing in this provision shall be so construed as to prevent the application of funds herein contained to the pay, allowances, or traveling expenses of any officer or enlisted man of the National Guard who may surrender said pension, disability allowance, disability compensation, or retired pay for the period of his service in the National Guard: *Provided further*, That adjutants general who may be drawing such emoluments may be continued in a federally recognized status without pay under this provision.

Travel, Army officers, etc.

53 Stat. 612.

Transportation of equipment, etc.

Pay, armory drills.

Not available for pay, etc., of officer drawing pension.

Provisos.
Surrender of pension.

Adjutants general, continuation in present status without pay.

ARMS, UNIFORMS, EQUIPMENT, AND SO FORTH, FOR FIELD SERVICE, NATIONAL GUARD

For an additional amount for arms, uniforms, equipment, and so forth, for field service, National Guard, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$7,218,087, and all of the sums appropriated in this title on account of the National Guard shall be accounted for as one fund, of which not to exceed \$15,000 may be used for the pay of employees in the National Guard Bureau.

No appropriation contained in this title shall be available for any expense for or on account of a larger number of mounted units and wagon companies of the National Guard than were in existence on June 30, 1932.

Procurement, etc.

53 Stat. 612.

Mounted units, etc., restriction.

ORGANIZED RESERVES

For an additional amount for Organized Reserves, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$3,617,282: *Provided*, That this appropriation shall not be subject to the limitations as to Reserve officers on active duty specified under this head in the Military Appropriation Act, 1940: *Provided further*, That not to exceed \$80,000 of this appropriation may be used for establishment, operation, and maintenance of Organized Reserve headquarters: *Provided further*, That the mileage allowance to members of the Officers Reserve Corps when called into active service for training for thirty days or less shall not exceed 4 cents per mile.

Designated objects.

53 Stat. 613.

Provisos.
Certain limitations waived.

53 Stat. 615.

Organized Reserve headquarters.

Mileage allowance.

RESERVE OFFICERS' TRAINING CORPS

For an additional amount for Reserve Officers' Training Corps, comprising the same objects specified under this head in the Military Appropriation Act, 1940, and including travel of dependents, and packing, crating, and transportation of authorized baggage and household effects of retired personnel when ordered to active duty and upon relief therefrom, \$220,572.

Expenses.

53 Stat. 615.

Not available for pay, etc., of officer drawing pension.

Proviso.
Surrender of pension.

Restriction on personnel employment.

Philip B. Fleming, appointment to civil office authorized.

Salary.

No appropriation contained in this title shall be available for pay, allowances, or traveling or other expenses of any officer of the Organized Reserves who may be drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States: *Provided*, That nothing in this provision shall be so construed as to prevent the application of funds herein contained to the pay, allowances, or traveling expenses of any officer or enlisted man of the Reserve Corps who may surrender said pension, disability allowance, disability compensation, or retired pay for the period of his active duty in the Reserve Corps.

SEC. 2. The appropriations contained in this title under the general heading "Military Activities," shall not be available for the employment other than temporarily of classified personal services.

SEC. 3. Notwithstanding the provisions of section 1222 of the Revised Statutes (U. S. C., title 10, sec. 576), Philip B. Fleming, a commissioned officer on the active list, United States Army, is authorized to hold the office of Administrator of the Wage and Hour Division in the Department of Labor without loss of or prejudice to his status as a commissioned officer on the active list of the United States Army and if appointed to such civil office he shall receive in addition to his pay and allowances as such commissioned officer an amount equal to the difference between such pay and allowances as such commissioned officer and the salary prescribed by law for such civil office.

TITLE II—NAVY DEPARTMENT

NAVAL ESTABLISHMENT

OFFICE OF THE SECRETARY

MISCELLANEOUS EXPENSES

Miscellaneous expenses.

53 Stat. 757.

Group IV (b) employees.

For an additional amount for miscellaneous expenses comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$685,000, of which there shall be available not to exceed \$200,000 for telephone, telegraph, and teletype rentals and tolls, telegrams, radiograms, and cablegrams; \$4,000 for allowances for civilian employees in attachés' offices; and \$176,400 for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

BUREAU OF NAVIGATION

TRAINING, EDUCATION, AND WELFARE, NAVY

Naval training stations.
53 Stat. 760.

San Diego, Calif.
Newport, R. I.

Great Lakes, Ill.

Naval training stations: For an additional amount for maintenance, operation, and other necessary expenses, including repairs, improvements, and care of grounds of the naval training stations which follow:

San Diego, California, \$86,000;

Newport, Rhode Island, \$135,000, of which not to exceed \$960 shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department;

Great Lakes, Illinois, \$80,000, of which not to exceed \$3,600 shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien

schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department;

Norfolk, Virginia, \$60,600;

Norfolk, Va.

Libraries: For an additional amount for libraries, professional books, textbooks, religious books, periodicals, and newspaper subscriptions for ships and shore stations not otherwise appropriated for, \$76,600;

Libraries.
53 Stat. 760.

Welfare and recreation: For an additional amount for welfare and recreation, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$400,000;

Welfare and recreation.

53 Stat. 760.

In all, training, education, and welfare, Navy, \$838,200.

INSTRUMENTS AND SUPPLIES, NAVY

For an additional amount for instruments and supplies, Navy, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$750,000.

Instruments and supplies.

53 Stat. 761.

OCEAN AND LAKE SURVEYS, NAVY

For an additional amount for ocean and lake surveys, Navy, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$5,000.

Hydrographic surveys.

53 Stat. 762.

NAVAL RESERVE

For an additional amount for the Naval Reserve, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$2,281,000, to be available, in addition to other appropriations, for and on account of Naval and Marine Corps Reserve Aviation.

Organizing, recruiting, etc.

53 Stat. 762.

BUREAU OF ENGINEERING

ENGINEERING

For an additional amount for Engineering, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$18,363,000, of which not to exceed \$100,000 shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

Repairs, preservation of machinery, etc.

53 Stat. 764.

BUREAU OF CONSTRUCTION AND REPAIR

CONSTRUCTION AND REPAIR

For an additional amount for Construction and Repair, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$14,969,000, of which not to exceed \$145,000 shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

Construction and repair.

53 Stat. 765.

BUREAU OF ORDNANCE

ORDNANCE AND ORDNANCE STORES, NAVY

For an additional amount for Ordnance and Ordnance Stores, Navy, comprising the same objects specified under this head in the Navy

Ordnance and ordnance stores.

53 Stat. 765.

Department and Naval Service Appropriation Act, fiscal year 1940, \$30,260,000, and, in addition, the Secretary of the Navy may enter into contracts prior to July 1, 1940, for the purposes of this appropriation, to an amount not in excess of \$2,450,000.

BUREAU OF SUPPLIES AND ACCOUNTS

PAY, SUBSISTENCE, AND TRANSPORTATION OF NAVAL PERSONNEL

Pay of naval personnel.

53 Stat. 766.

Aerial flights.

Provides.
Chief petty officers,
number.

Household servants.

Subsistence.

53 Stat. 767.

Transportation and
recruiting.

53 Stat. 768.

Pay of naval personnel: For an additional amount for pay and allowances of naval personnel, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$13,957,459, of which \$763,890 shall be in addition to the amount named in such Act for increased pay for making aerial flights, and \$11,393 for cash prizes for men for excellence in gunnery, target practices, communication, and engineering competitions: *Provided*, That the number of chief petty officers for the fiscal year 1940, in addition to chief petty officers of the Naval Reserve called to active duty, shall not exceed an average of 11,140 of which number those with a permanent appointment as chief petty officers shall not exceed an average of 9,731: *Provided further*, That the number of men who may be designated by the Secretary of the Navy for duty in the residence or quarters of naval officers is hereby increased from forty to forty-four;

Subsistence of naval personnel: For an additional amount for subsistence of naval personnel, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$2,580,797;

Transportation and recruiting of naval personnel: For an additional amount for transportation and recruiting of naval personnel, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$1,376,744;

In all, for pay, subsistence, and transportation of naval personnel, \$17,915,000.

MAINTENANCE, BUREAU OF SUPPLIES AND ACCOUNTS

Maintenance.

53 Stat. 769.

For an additional amount for maintenance, Bureau of Supplies and Accounts, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$1,785,000, of which not to exceed \$600,000 shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

FUEL AND TRANSPORTATION, NAVY

Fuel and transportation.

53 Stat. 770.

For an additional amount for fuel and transportation, Navy, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$2,065,000.

BUREAU OF MEDICINE AND SURGERY

MEDICAL DEPARTMENT

Medical department.

53 Stat. 770.

For an additional amount for the medical department, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$592,000, of which not to exceed \$15,000 shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

CARE OF THE DEAD

For an additional amount for care of the dead, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$14,000.

Care of the dead.

53 Stat. 771.

BUREAU OF YARDS AND DOCKS

MAINTENANCE, BUREAU OF YARDS AND DOCKS

For an additional amount for maintenance, Bureau of Yards and Docks, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, and including the purchase of four motor-propelled passenger-carrying vehicles at a cost not to exceed \$600 each, \$871,000.

Maintenance.

53 Stat. 771.

CONTINGENT, BUREAU OF YARDS AND DOCKS

For an additional amount for contingent expenses and minor extensions and improvements of public works at navy yards and stations, \$50,000.

Contingent ex-
penses.

53 Stat. 772.

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS

For an additional amount, to be added to the appropriation "Public Works, Bureau of Yards and Docks," for temporary buildings and facilities for personnel, storage, and operation of ships and aircraft, \$7,000,000, of which amount not to exceed 2½ per centum shall be available for the employment of classified personal services in the Bureau of Yards and Docks and in the field service.

Public works, etc.
53 Stat. 772.

BUREAU OF AERONAUTICS

AVIATION, NAVY

For an additional amount for aviation, Navy, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$28,661,000.

Designated ex-
penses.

53 Stat. 774.

MARINE CORPS

PAY, MARINE CORPS

Pay of officers, active list: The amount named under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, for increased pay for making aerial flights, is hereby increased by \$21,000;

Officers, active list.

53 Stat. 775.

For pay of officers prescribed by law on the retired list, \$107,800;

Retired officers.

Pay of enlisted men, active list: For an additional amount for pay of enlisted men, active list, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$2,128,948;

Enlisted men, ac-
tive list.

53 Stat. 775.

For an additional amount for pay and allowances of the Marine Corps Reserve, \$553,572;

Marine Corps Re-
serve.

For an additional amount for mileage and actual and necessary expenses and per diem in lieu of subsistence as authorized by law to officers traveling under orders without troops, \$31,680;

Officers traveling
under orders without
troops.
53 Stat. 776.

In all, \$2,822,000, and the money herein specifically appropriated for pay of the Marine Corps shall be disbursed and accounted for in accordance with existing law and shall constitute one fund.

Disbursement and
accounting.

PAY OF CIVIL EMPLOYEES, MARINE CORPS

Civil force.
53 Stat. 776.

Pay of civil force: For an additional amount for personal services in the District of Columbia, for temporary employees, as follows: Offices of the Major General Commandant and adjutant inspector, \$19,200;

Office of the paymaster, \$4,320;

Office of the quartermaster, \$17,280; in all, \$40,800.

GENERAL EXPENSES, MARINE CORPS

General expenses.
53 Stat. 776.
Post, p. 648.

For every expenditure requisite for, and incident to, the authorized work of the Marine Corps, other than as appropriated for under the headings of pay and salaries, as follows:

Provisions, etc.
53 Stat. 776.

For an additional amount for provisions, subsistence, board, and lodging of enlisted men, recruits and recruiting parties, and applicants for enlistment; cash allowance for lodging and subsistence to enlisted men traveling on duty; ice, ice machines and their maintenance, \$672,328;

Clothing.
Fuel, etc.

For an additional amount for clothing for enlisted men, \$1,500,000; For an additional amount for fuel, heat, light, and power, including sales to officers, \$125,000;

Military supplies
and equipment.
53 Stat. 776.

For an additional amount for military supplies and equipment, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$2,474,500;

Transportation.

53 Stat. 776.

For an additional amount for transportation of troops and applicants for enlistment, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$300,000;

Barracks, repairs
and improvements.
53 Stat. 777.

For an additional amount for repairs and improvements to barracks, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$633,172, of which not to exceed \$600,000 shall be available for the construction of temporary buildings;

Miscellaneous sup-
plies, etc.
53 Stat. 777.
Proviso.
Limitation.

For an additional amount for miscellaneous supplies, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$895,000;

In all, \$6,600,000, to be accounted for as one fund: *Provided*, That the sum to be paid out of this additional appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$85,000.

NAVY DEPARTMENT

SALARIES

Temporary em-
ployees.
53 Stat. 779.

For an additional amount for compensation for personal services in the District of Columbia, for temporary employees, as follows:

Office of the Secretary of the Navy, \$2,613;

Office of Judge Advocate General, \$4,000;

Office of Chief of Naval Operations, \$5,040;

Office of Director of Naval Communications, \$18,415;

Office of Naval Intelligence, \$21,000;

Bureau of Navigation, \$49,280;

Hydrographic Office, \$25,000;

Naval Observatory, \$7,070;

Bureau of Supplies and Accounts, \$67,120;

Bureau of Medicine and Surgery, \$31,500;

In all, salaries, Navy Department, \$231,038.

CONTINGENT EXPENSES

For an additional amount for Contingent Expenses, Navy Department, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$85,000.

Contingent expenses.

53 Stat. 780.

PRINTING AND BINDING

For an additional amount for printing and binding for the Navy Department and the Naval Establishment (including the Hydrographic Office and the Naval Reserve Officers' Training Corps) executed at the Government Printing Office, \$263,000.

Printing and binding.

53 Stat. 781.

CONTINGENT AND MISCELLANEOUS EXPENSES, HYDROGRAPHIC OFFICE

For an additional amount for contingent and miscellaneous expenses, Hydrographic Office, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$25,000.

Contingent and miscellaneous expenses.

53 Stat. 781.

CONTINGENT AND MISCELLANEOUS EXPENSES, NAVAL OBSERVATORY

For an additional amount for contingent and miscellaneous expenses, Naval Observatory, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$1,200.

Contingent and miscellaneous expenses.

53 Stat. 782.

SEC. 202. The Secretary of the Navy is hereby authorized to acquire and convert one transport.

Acquisition, etc., of one transport.

SEC. 203. The Secretary of the Navy is authorized to exceed the statutory limit on repairs and alterations to vessels commissioned or converted to meet the existing emergency.

Emergency repairs and alterations.

SEC. 204. The appropriations contained in this title under the general heading "Naval Establishment," shall not be available for the employment other than temporarily of classified personal services.

Restriction on personnel employment.

TITLE III—DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Salaries and expenses, detection and prosecution of crimes: For an additional amount for salaries and expenses, Federal Bureau of Investigation, including the same objects and under the same conditions specified under this head in the Department of Justice Appropriation Act, 1940, \$1,475,000, of which amount not to exceed \$100,000 may be expended for personal services in the District of Columbia; \$75,000 for the purchase and exchange of motor-propelled passenger-carrying vehicles; and \$100,000 to meet unforeseen emergencies of a confidential character.

Detection and prosecution of crimes.
Post, p. 88.

53 Stat. 897.

Vehicles.

TITLE IV—TREASURY DEPARTMENT

COAST GUARD

For additional amounts for appropriations for the Coast Guard (including the Bureau of Lighthouses transferred under the authority of the Reorganization Act of 1939), including the same objects and subject to the same limitations specified under the several heads in the "Treasury Department Appropriation Act, 1940" and under the head "Bureau of Lighthouses * * * general expenses",

Expenses.

53 Stat. 561, 1432.
5 U. S. C., Supp. V,
§§ 133-133t.
53 Stat. 663.

53 Stat. 913.	in the "Department of Commerce Appropriation Act, 1940", respectively, as follows:
Office of Commandant. 53 Stat. 663.	Office of the Commandant: For personal services in the District of Columbia, for temporary employees, \$43,701;
Pay and allowances. 53 Stat. 664. Post, p. 91.	Pay and allowances: For pay and allowances prescribed by law for commissioned officers, cadets, warrant officers, petty officers, and other enlisted men, active and retired, temporary cooks, surfmen, substitute surfmen, and three civilian instructors, retired pay for certain members of the former Life Saving Service authorized by the Act approved April 14, 1930 (14 U. S. C. 178a), and so forth, \$2,263,000;
Retired members, former Life Saving Service. 46 Stat. 164.	Fuel and water: For fuel, lubricating oil, kerosene, and water, and for the furnishing of heat, light, and power (service) for vessels, stations, and houses of refuge, \$250,000;
Fuel and water. 53 Stat. 664.	Outfits: For outfits, including necessary supplies and equipment, medals, newspapers, and periodicals for statistical purposes, rental of mechanical accounting machinery, repairs to portable equipment at shore units, ship chandlery, engineers' stores, and draft animals and their maintenance, \$768,188;
Outfits, etc. 53 Stat. 664.	Rebuilding and repairing stations: For rebuilding and repairing stations and houses of refuge, temporary leases, rent, and improvements of property for Coast Guard purposes, including use of additional land where necessary, \$95,000;
Station improvements. 53 Stat. 664.	Communication lines: For coastal communication lines and facilities and their maintenance, and communication service, \$125,000;
Communication lines. 53 Stat. 664.	Repairs to vessels: For repairs to Coast Guard vessels and boats, exclusive of aircraft, including cost of salvage operations when incident to the repairs thereof, \$650,000;
Repairs to vessels. 53 Stat. 665.	In all, \$4,194,889: <i>Provided</i> , That the limitation of \$2,200,000 which may be expended for aviation contained in said Treasury Department Appropriation Act under "Coast Guard" is hereby increased to \$2,435,000.
Proviso. Aviation expenses, limitation increased. 53 Stat. 665.	Lighthouse Service (Bureau of Lighthouses), general expenses: For supplies, including replacement of and necessary additions to existing equipment, repairs, maintenance, and incidental expenses of lighthouses and other lights, beacons, buoyage, fog signals, lighting of rivers heretofore authorized to be lighted, light vessels, other aids to navigation, and lighthouse tenders, including the establishment, repair, and improvement of beacons and day marks, and purchase of land for same; establishment of post lights, buoys, submarine signals, and fog signals; construction of necessary outbuildings, and so forth, \$81,960.
Lighthouse Service, general expenses. 53 Stat. 913. Post, p. 91.	

TITLE V—DEPARTMENT OF AGRICULTURE

PRICE ADJUSTMENT ACT OF 1938

Payments. 53 Stat. 974. 52 Stat. 819.	SEC. 501. Not to exceed \$11,000,000 of the funds appropriated by the item entitled "Parity Payments" contained in the Department of Agriculture Appropriation Act, 1940, are hereby made available for the purpose of making payments under the "Price Adjustment Act of 1938".
Short title.	SEC. 502. This Act may be cited as the "Emergency Supplemental Appropriation Act, 1940".
	Approved, February 12, 1940.

[CHAPTER 28]

AN ACT

Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1940, and for other purposes.

February 12, 1940
[H. R. 8067]
[Public, No. 416]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1940, and for other purposes, namely:

Urgent Deficiency
Appropriation Act,
1940.

LEGISLATIVE

SENATE

For payment to Mary Borah, widow of William E. Borah, late a Senator from the State of Idaho, \$10,000.

William E. Borah.
Payment to widow.

For repairs, improvements, equipment, and supplies for Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended from the contingent fund of the Senate, under the supervision of the Committee on Rules, United States Senate, fiscal year 1940, \$23,700.

Senate kitchens and
restaurants, etc.
53 Stat. 825.

HOUSE OF REPRESENTATIVES

To pay the widow of William A. Ashbrook, late a Representative from the State of Ohio, \$10,000.

William A. Ashbrook.
Payment to widow.
Chester C. Bolton.
Payment to widow.

To pay the widow of Chester C. Bolton, late a Representative from the State of Ohio, \$10,000.

To pay the widow of Edward W. Curley, late a Representative from the State of New York, \$10,000.

Edward W. Curley.
Payment to widow.

To pay the widow of George H. Heinke, late a Representative from the State of Nebraska, \$10,000.

George H. Heinke.
Payment to widow.

To pay the widow of Santiago Iglesias, late a Resident Commissioner from Puerto Rico, \$10,000.

Santiago Iglesias.
Payment to widow.

To pay the widow of Carl E. Mapes, late a Representative from the State of Michigan, \$10,000.

Carl E. Mapes.
Payment to widow.

To pay the widow of John A. Martin, late a Representative from the State of Colorado, \$10,000.

John A. Martin.
Payment to widow.

To pay the daughter of Wallace E. Pierce, late a Representative from the State of New York, \$10,000.

Wallace E. Pierce.
Payment to daughter.

To pay the widow of J. Will Taylor, late a Representative from the State of Tennessee, \$10,000.

J. Will Taylor.
Payment to widow.

The foregoing sums to be disbursed by the Sergeant at Arms of the House of Representatives.

Contingent expenses: For furniture and materials for repairs of same, exclusive of labor, tools and machinery, for furniture and repair shops, fiscal year 1940, \$10,000.

Furniture, etc.
53 Stat. 829.

For miscellaneous items, exclusive of salaries unless specifically ordered by the House of Representatives, including the same objects specified under this head in the Legislative Branch Appropriation Act, 1940, fiscal year 1940, \$15,000.

Miscellaneous
items.

53 Stat. 829.

For stationery for Representatives, Delegates, and the Resident Commissioner from Puerto Rico, for the third session of the Seventy-sixth Congress, \$87,600.

Stationery.
53 Stat. 830.

ARCHITECT OF THE CAPITOL

Senate Office Building: To reimburse the maintenance fund of the Senate Office Building for the fiscal year 1940 for necessary emergency expenditures for desks, chairs, stands, tables, and other equipment

Additional equip-
ment and supplies.
53 Stat. 832.

53 Stat. 1080.
2 U. S. C., Supp. V,
§§ 60a, 60b, 92.

and supplies, for the use of the additional clerical assistants to Senators, under the provisions of Public Law Numbered 216, Seventy-sixth Congress, approved July 25, 1939, \$5,000.

EXECUTIVE

INDEPENDENT ESTABLISHMENTS

UNITED STATES CONSTITUTION SESQUICENTENNIAL COMMISSION

Personal services.
53 Stat. 1307.

The portion of the appropriation for the Commission, contained in the Third Deficiency Appropriation Act, fiscal year 1939, which may be expended exclusively for personal services is hereby increased from \$5,000 to \$7,500.

NAVY DEPARTMENT

REPLACEMENT OF NAVAL VESSELS

Armor, armament,
and ammunition.

53 Stat. 778.

Armor, armament, and ammunition: For an additional amount toward the armor, armament, and ammunition for vessels heretofore authorized (and appropriated for in part), including the same objects and under the same conditions and limitations prescribed under this head in the Naval Appropriation Act for the fiscal year 1940, \$28,000,000, to continue available until expended.

TREASURY DEPARTMENT

BUREAU OF INTERNAL REVENUE

Refunding internal-
revenue collections.

53 Stat. 662.
Short title:

Refunding internal-revenue collections: For an additional amount for refunding internal-revenue collections, as provided by law, including the same objects and under the same conditions and limitations prescribed under this head in the Treasury Department Appropriation Act, 1940, fiscal year 1940, \$29,300,000.

Sec. 2. This Act may be cited as the "Urgent Deficiency Appropriation Act, 1940".

Approved, February 12, 1940.

[CHAPTER 30]

AN ACT

February 13, 1940
[S. 2624]
[Public, No. 417]

To amend the Act of August 24, 1912 (37 Stat. 460), as amended, with regard to the limitation of cost upon the construction of buildings in national parks.

National parks.
Limitation of cost of
certain buildings in-
creased.

16 U. S. C. § 451.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the limitation of cost upon the construction of any administration or other building in any national park without express authority of Congress, contained in the Act approved August 24, 1912 (37 Stat. 460), as amended by the Act of July 1, 1918 (40 Stat. 677), is hereby increased from \$1,500 to \$3,000.

Approved, February 13, 1940.

[CHAPTER 31]

JOINT RESOLUTION

Making available for the fiscal year 1940 an additional amount from the special funds heretofore set up for the payment of compensation benefits authorized by certain Emergency Relief Appropriation Acts.

March 1, 1940
[H. J. Res. 456]
[Pub. Res., No. 56]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the paragraph of the Independent Offices Appropriation Act, 1940, under the heading "Employees' Compensation Fund, Emergency Relief", is hereby amended by striking out the sum "\$3,200,000" and inserting in lieu thereof the sum "\$4,700,000".

Employees' Compensation Fund,
Emergency Relief.
53 Stat. 531.
Amount for 1940 increased.

Approved, March 1, 1940.

[CHAPTER 32]

AN ACT

To authorize the Administrator of Veterans' Affairs to transfer by quitclaim deed to the Pennsylvania Railroad Company, for right-of-way purposes, a small strip of land at Veterans' Administration facility, Coatesville, Pennsylvania.

March 2, 1940
[S. 2867]
[Public, No. 418]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to transfer by quitclaim deed to the Pennsylvania Railroad Company, the following-described property located at Veterans' Administration facility, Coatesville, Chester County, Pennsylvania:

Coatesville, Pa.
Certain property located at, transfer to
Pennsylvania Railroad Company.

Beginning at a point, said point being marked by an iron pin and set in the southwest corner of the Veterans' Administration Reservation as now constituted, said point also being in the northerly right-of-way line of the Pennsylvania Railroad right-of-way and fifty feet distant from the center thereof; said point also being directly opposite center line station 1972 plus 28.5 of the eastern region, Eastern Pennsylvania Division, Philadelphia Division of the Pennsylvania Railroad; thence north, no degrees fifty minutes no seconds west along the westerly boundary line of the Government Reservation, a distance of forty-two and forty one-hundredths feet to a point; thence, along a curve to the left having a radius of five thousand six hundred and forty feet, a distance of six hundred and thirty-one and ninety-seven one-hundredths feet, the chord of which curve bears south seventy-four degrees thirty-four minutes six seconds east, a distance of six hundred and thirty-one and sixty-four one-hundredths feet; thence south thirty-four degrees fifty-one minutes and no seconds west along one of the boundary lines of the Government Reservation, a distance of forty-three and thirty-one one-hundredths feet to a point, said point being in the northerly right-of-way line of the Pennsylvania Railroad right-of-way and fifty feet distant from the center thereof, said point also being directly opposite center line station 1966 plus 17.55; thence, along a curve to the right having a radius of five thousand six hundred and eighty feet a distance of six hundred and five and sixty-five one-hundredths feet the chord of which curve bears north seventy-four degrees thirty-three minutes twenty seconds west, a distance of six hundred and five and thirty-six one-hundredths feet; said curve being the south boundary line of the Government Reservation and the north boundary line of the Pennsylvania Railroad right-of-way to the point of beginning, containing in all an area of five hundred and sixty-eight one-thousandths acre, more or less.

Description.

Approved, March 2, 1940.

[CHAPTER 33]

AN ACT

To amend the Annual and Sick Leave Acts of March 14, 1936.

March 2, 1940
[S. 2876]
[Public, No. 419]

Annual and Sick
Leave Acts.
Provisions modified.

5 U. S. C., Supp. V,
§§ 30b-30m.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the days of annual leave with pay provided for in the Act of March 14, 1936 (49 Stat. 1161), and the days of sick leave with pay provided for in the Act of March 14, 1936 (49 Stat. 1162), shall mean days upon which employees would otherwise work and receive pay, and shall be exclusive of Sundays which do not occur within a regular tour of duty, holidays, and all nonwork days established by Federal statute or by Executive or administrative order.

Approved, March 2, 1940.

[CHAPTER 34]

AN ACT

To provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes.

March 2, 1940
[S. 3069]
[Public, No. 420]

Export-Import
Bank of Washington.
15 U. S. C., Supp.
V, § 713b.
Post, p. 962.
Lending authority
increased.
Provisos.
Limitation on ag-
gregate amount of out-
standing loans.

Loans to govern-
ments in default.

Loans in violation
of international law,
etc.

Ante, p. 4.
22 U. S. C., Supp. V,
§§ 245j-245j-19.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the Act approved January 31, 1935 (49 Stat. 4), as amended, is amended (1) by striking out "\$100,000,000" and inserting in lieu thereof "\$200,000,000", and (2) by inserting before the period at the end thereof a colon and the following: "*Provided further,* That the aggregate amount of loans to any one foreign country and the agencies and nationals thereof which are hereafter authorized to be made and are outstanding at any one time shall not exceed \$20,000,000, and such amount shall be in addition to the amount of loans heretofore authorized or made to such foreign country and the agencies and nationals thereof: *Provided further,* That the Export-Import Bank of Washington shall not make any loans to any government which was in default in the payment of its obligations or any part thereof to the Government of the United States on April 13, 1934, or in violation of international law as interpreted by the Department of State or for the purchase of any articles, except aircraft exclusively for commercial purposes, listed as arms, ammunition, or implements of war by the President of the United States in accordance with the Neutrality Act of 1939".

Approved, March 2, 1940.

[CHAPTER 37]

AN ACT

To amend the District of Columbia Revenue Act of 1939.

March 2, 1940
[H. R. 8237]
[Public, No. 421]

District of Colum-
bia Revenue Act of
1939, amendments.
58 Stat. 1095.
20 D. C. Code,
Supp. V, § 980q.
Time for filing re-
turns.

If made on basis of
fiscal year.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 18 of title II of the Act entitled "An Act to provide revenue for the District of Columbia, and for other purposes", approved July 26, 1939, be amended to read as follows:

"SEC. 18. All returns of income for the preceding taxable year shall be made to the assessor on or before the 15th day of April in each year, except that such returns, if made on the basis of a fiscal year shall be made on or before the 15th day of the fourth month following the close of such fiscal year, unless such fiscal year has expired in the calendar year 1939 prior to the approval of this Act,

in which event returns shall be made on or before the 15th day of the third month following the approval of this Act."

SEC. 2. Subsection (a) of section 26 of title II of said Act approved July 26, 1939, is hereby amended to read as follows:

"SEC. 26. (a) TIME OF PAYMENT.—One-half of the total amount of the tax imposed by this title shall be paid on the 15th day of April following the close of the calendar year and the remaining one-half of the tax shall be paid on the 15th day of October following the close of the calendar year, or, if the return be made on the basis of a fiscal year, then one-half of the total amount of the tax imposed by this title shall be paid on the 15th day of the fourth month following the close of the fiscal year and the remaining one-half of said tax shall be paid on the 15th day of the tenth month following the close of the fiscal year, except a fiscal year which expired in the calendar year 1939 prior to the approval of this Act, in which event the tax shall be paid on the 15th day of the third month following the approval of this Act."

SEC. 3. Title VI of said Act approved July 26, 1939, is hereby amended by striking out "June 30, 1940" and inserting in lieu thereof the words "June 30, 1942".

SEC. 4. Section 4 (c) of such Act (relating to exclusions from gross income) is amended by adding at the end thereof the following:

"(10) Payments of benefits made to or on account of a beneficiary under any of the laws relating to veterans."

Approved, March 2, 1940.

53 Stat. 1099.
20 D. C. Code,
Supp. V, § 980y.

Time of payment.

If return made on
basis of fiscal year.

53 Stat. 1118.
20 D. C. Code,
Supp. V, § 971a.
Advances from
Treasury.
Exclusions from
gross income.
53 Stat. 1088.
20 D. C. Code,
Supp. V, § 980c (c).
Veterans' benefit
payments.

[CHAPTER 38]

AN ACT

To aid the States and Territories in making provisions for the retirement of employees of the land-grant colleges.

March 4, 1940
[S. 1850]

[Public, No. 422]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, pursuant to the recognized obligations of governments to guarantee the social security of their employees and in order to provide for the retirement on an annuity, or otherwise, of all persons being paid salaries in whole or in part from grants of Federal funds to the several States and Territories pursuant to the terms of the Act approved July 2, 1862, for the endowment and support of colleges of agriculture and mechanic arts, and Acts supplementary thereto providing for instruction in agriculture and mechanic arts, for the establishment of agricultural experiment stations, and for cooperative extension work in agriculture and home economics, all States and Territories are hereafter authorized, notwithstanding any contrary provisions in said Acts, to withhold from expenditure, from Federal funds advanced under the terms of said Acts, amounts designated as employer contributions to be made by the States or Territories to retirement systems established in accordance with the laws of such States or Territories, or established by the governing boards of colleges of agriculture and mechanic arts in accordance with the authority vested in them, and to deposit such amounts to the credit of such retirement systems for subsequent disbursement in accordance with the terms of the retirement systems in effect in the respective States and Territories: *Provided*, That there shall not be deducted from Federal funds and deposited to the credit of retirement accounts

Retirement of em-
ployees of land-grant
colleges.
Withholding of em-
ployer contributions.

12 Stat. 503.
7 U. S. C. §§ 301-
308.

Deposits for subse-
quent disbursement.

Provides.
Employer contribu-
tions, limitation.

Proportion of Federal advances in employee retirement systems.

State, etc., matching of funds of Federal origin.

Salaries paid wholly by States, etc.

Employees subject to U. S. Civil Service Retirement Act.
41 Stat. 614.
5 U. S. C. §§ 691-738; Supp. V, §§ 693-736b.

as employer contributions, amounts in excess of 5 per centum of that portion of the salaries of employees paid from such Federal funds: *Provided further*, That, for the purpose of making deposits and contributions in retirement systems in favor of any employee, in no event shall the deductions from any Federal fund advanced pursuant to the foregoing Acts be in greater proportion to the total deductions for such employee than the salary received under such Federal funds bears to the total salary from Federal sources: *Provided further*, That the deposits and contributions from funds of Federal origin to any retirement system established by a State or a land-grant college must be at least equaled by the total contributions thereto on the part of the individuals concerned, the State, and the counties: *And provided further*, That no deductions for the foregoing purposes shall be made from Federal funds in support of employees appointed pursuant to the terms of the foregoing Acts, whose salaries are paid wholly by the States or Territories: *Provided further*, That the provisions of this Act shall not apply to any employee paid in whole or in part from Federal funds who may be subject to the United States Civil Service Retirement Act, as amended.

Approved, March 4, 1940.

[CHAPTER 39]

AN ACT

March 4, 1940
[S. 1935]
[Public, No. 423]

To extend until March 4, 1944, the time during which petitions may be filed by farmers under section 75 of the Bankruptcy Act.

Bankruptcy Act of 1898, amendments.
47 Stat. 1471.
11 U. S. C. § 203(c); Supp. V, § 203 (c).

Insolvency petition, time limitation for filing.

Schedules to accompany.

47 Stat. 1473.
11 U. S. C. § 203(r); Supp. V, § 203 (r).
"Farmer" construed.

Residence.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 75 (c) of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended, is amended to read as follows:

"(c) At any time prior to March 4, 1944, a petition may be filed by any farmer, stating that the farmer is insolvent or unable to meet his debts as they mature, and that it is desirable to effect a composition or an extension of time to pay his debts. The petition or answer of the farmer shall be accompanied by his schedules. The petition and answer shall be filed with the court, but shall, on request of the farmer or creditor, be received by the conciliation commissioner for the county in which the farmer resides and promptly transmitted by him to the clerk of the court for filing. If any such petition is filed, an order of adjudication shall not be entered except as provided hereinafter in this section."

SEC. 2. Section 75 (r) of such Act is amended to read as follows:

"(r) For the purposes of this section and section 4 (b) the term 'farmer' includes not only an individual who is primarily bona fide personally engaged in producing products of the soil, but also any individual who is primarily bona fide personally engaged in dairy farming, the production of poultry or livestock, or the production of poultry products or livestock products in their unmanufactured state, or the principal part of whose income is derived from any one or more of the foregoing operations, and includes the personal representative of a deceased farmer; and a farmer shall be deemed a resident of any county in which such operations occur."

Approved, March 4, 1940.

[CHAPTER 40]

AN ACT

To establish the Kings Canyon National Park, California, to transfer thereto the lands now included in the General Grant National Park, and for other purposes.

March 4, 1940

[H. R. 3794]

[Public, No. 424]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tract of land in the State of California particularly described as follows, to wit: Beginning at the summit of Junction Peak, being a point on the present north boundary of Sequoia National Park, also a point on the Tulare and Inyo County line; thence westerly along said north boundary of said park to the crest of the hydrographic divide between Boulder Creek and Sugarloaf Creek; thence in a northerly direction along the crest of the hydrographic divide between Boulder Creek and Sugarloaf Creek to the intersection of said divide with the section line between sections 3 and 4 of township 14 south, range 30 east, Mount Diablo base and meridian; thence northerly along the section line between said sections 3 and 4 and between sections 33 and 34, and sections 27 and 28 of township 13 south, range 30 east, to the northwest corner of southwest quarter of section 27; thence northwesterly along the ridge immediately adjacent to and lying northeast from the headwaters of the east fork of Lightning Creek to the intersection of said ridge with the section line between sections 21 and 28, township 13 south, range 30 east, which point lies on the said section line three quarters of a mile more or less westerly from the northeast corner of said section 28; thence in a northerly direction across the easterly branch of the east fork of Lightning Creek at Summit Meadow to the ridge north of said creek branch; thence northeasterly along said ridge to Lookout Peak; thence in a northeasterly direction along the ridge from said peak, being also the crest of the hydrographic divide between Sheep Creek and Lightning Creek to the intersection of said ridge, with the line between section 15 and 22, township 13 south, range 30 east, which point lies one quarter of a mile more or less westerly of the northeast corner of said section 22; thence easterly along said section line to the corner of sections 14, 15, 22, and 23; thence north along the line between sections 14 and 15 to the southwest corner of the northwest quarter of the northwest quarter of section 14; thence east to the southeast corner of the northeast quarter of the northwest quarter of the said section; thence south to the southwest corner of the northeast quarter of the said section; thence east to the southeast corner of the southwest quarter of the northeast quarter of the said section; thence south to the southwest corner of the northeast quarter of the southeast quarter of the said section; thence east to the northeast corner of the southeast quarter of the southeast quarter of the said section; thence south to the southwest corner of section 13; thence east on the line between sections 13 and 24 to the southeast corner of section 13; thence south to southwest corner of the northwest quarter of the northwest quarter of section 19, township 13 south, range 31 east; thence east along the north latitudinal one-sixteenth section line of sections 19, 20, and 21 to the southeast corner of the northeast quarter of the northwest quarter of said section 21; thence north to the quarter section corner of sections 16 and 21; thence east along the line between sections 16 and 21 to the southeast corner of said section 16; thence north along the section line to the quarter section corner of sections 15 and 16; thence west along the latitudinal quarter section line of sections 16, 17, and 18 to the northwest corner of the southeast quarter of section 18; thence north to the northeast corner of the southeast quarter of the northwest quarter of said section 18; thence west to the northwest corner of the southwest quarter of the northwest quarter of said

Kings Canyon National Park, Calif., establishment.

Description of tract.

section 18; thence north along the range line between ranges 30 and 31 east, township 13 south to the northeast corner of section 13, township 13 south, range 30 east; thence west along the line between sections 12 and 13 to the southeast corner of the southwest quarter of the southwest quarter of section 12; thence north to the northeast corner of the southwest quarter of the southwest quarter of said section 12; thence west to the northwest corner of the southeast quarter of the southeast quarter of section 11; thence north to the northeast corner of the northwest quarter of the northeast quarter of said section 11; thence west along the line between sections 2 and 11 to the northwest corner of the northeast quarter of the northwest quarter of said section 11; thence south to the southwest corner of the northeast quarter of the northwest quarter of said section 11; thence west to the northwest corner of the southwest quarter of the northwest quarter of said section 11; thence north along the line between sections 10 and 11 and 2 and 3 to the intersection with the ridge of southeast spur of Stag Dome; thence in a northwesterly direction along the crest of said spur to the summit of Stag Dome; thence in a northerly direction along the crest of the hydrographic divide between Lewis Creek and Deer Cove and Grizzly Creek to its intersection with Monarch Divide at Hog-Back Peak; thence in a westerly direction along the crest of Monarch Divide, to its junction with the northwesterly spur of Mount Harrington; thence northwesterly along the crest of hydrographic divide on the southwest side of the Gorge of Despair to the intersection with the line between sections 12 and 13, township 12 south, range 29 east; thence continuing west along the line between sections 12 and 13, 11 and 14 to the southwest corner of the southeast quarter of the southeast quarter of said section 11; thence northerly to the southwest corner of the southeast quarter of the northeast quarter of said section 11; thence east to the quarter section corner of sections 11 and 12; thence north to the southeast corner of the northeast quarter of the northeast quarter of said section 11; thence east to the southeast corner of the northwest quarter of the northwest quarter of section 12; thence north to the northeast corner of the northwest quarter of the northwest quarter of said section 12; thence east to the quarter section corner of sections 1 and 12; thence north to the northeast corner of the southeast quarter of the southwest quarter of said section 1; thence east to the southeast corner of the northwest quarter of the southeast quarter of said section 1; thence north to the northeast corner of the northwest quarter of the southeast quarter of said section 1; thence east to the quarter section corner of sections 1 and 6; thence north along the range line between the ranges 29 and 30 east, township 12 south, to the northeast corner of said section 1, township 12 south, range 29 east; thence east along the township line between townships 11 and 12 south, range 30 east to the southeast corner of the southwest quarter of the southwest quarter of section 31, township 11 south, range 30 east; thence north to the northeast corner of the southwest quarter of the southwest quarter of said section 31; thence west to the northwest corner of the southwest quarter of the southeast quarter of section 36, township 11 south, range 29 east; thence south to the quarter section corner of sections 1 and 36; thence west along the township line between townships 11 and 12 south, range 29 east to the northwest corner of section 1, township 12 south, range 29 east; thence south to the southwest corner of the northwest quarter of the northwest quarter of said section 1; thence west to the northwest corner of the southwest quarter of the northwest quarter of section 2; thence south to the northwest corner of the southwest quarter of the southwest quarter of said section 2; thence west to the northwest corner

of the southeast quarter of the southeast quarter of section 3; thence south to the southwest corner of the southeast quarter of the southeast quarter of section 3; thence continuing south to the intersection with the four thousand four hundred contour; thence along the four thousand four hundred-foot contour in a southwesterly direction to its intersection with Tombstone Ridge; thence in a northwesterly direction along the crest of the Tombstone Ridge to the summit of the Obelisk; thence in a straight line in a northeasterly direction crossing Crown Creek to the summit of Kettle Dome; thence in a northeasterly direction along the crest of Kettle Ridge to the summit of Finger Peak in the White Divide; thence northwesterly along the crest of the said White Divide and the Le Conte Divide, passing over the summits of Mount Reinstein and Red Mountain to the summit of Mount Henry; thence in a northerly direction along the crest of the north spur of Mount Henry to the junction of the South Fork San Joaquin River and Piute Creek; thence across the South Fork San Joaquin River and in a northeasterly direction along the hydrographic divide between Piute Creek and the South Fork San Joaquin River to the summit of Pavillion Dome; thence in an easterly direction along the crest of said hydrographic divide to its intersection with Glacier Divide; thence continuing southeasterly along the crest of said Glacier Divide to a point of intersection with the crest of the Sierra Nevada Range, also the boundary line between Inyo County and Fresno County; thence continuing southeasterly along the crest of said Sierra Nevada Range, passing over the summits of Mount Lamarack, Mount Darwin, Mount Haeckel, Mount Wallace, Mount Powell, Mount Thompson, Mount Gilbert, Mount Johnson, Mount Goode, Mount Winchell, North Palisade, The Thumb, Mount Bolton Brown, Split Mountain, Cardinal Mountain, Striped Mountain, Mount Perkins, Colosseum Mountain, Mount Baxter, Diamond Peak, Black Mountain, Dragon Peak, Mount Bixford, Mount Gould, University Peak, Mount Bradley, and Mount Keith to the summit of Junction Peak, being the point of beginning; is hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated and set apart as a public park, to be known as the Kings Canyon National Park, for the benefit and enjoyment of the people: *Provided*, That nothing in this Act shall be construed to affect or abridge any right acquired by any citizen of the United States in the above-described area: *And provided further*, That no grazing permits heretofore issued and in effect on January 15, 1939, affecting the area described in this section, for whose renewal an application is made before the date of expiration, shall be affected by this Act, except that they shall be subject to such terms and conditions to insure protection of the lands and for other purposes as may be prescribed by the Secretary of the Interior.

SEC. 2. That the General Grant National Park is hereby abolished, and the west half of section 33, township 13 south, range 28 east, and west half of section 4, all of section 8 and the northwest quarter of section 9, township 14 south, range 28 east, Mount Diablo meridian, California, together with the lands formerly within the General Grant National Park, California, and particularly described as follows, to wit: All of sections 31 and 32, township 13 south, range 28 east, and sections 5 and 6, township 14 south, range 28 east, of the same meridian, are, subject to valid existing rights, hereby added to and made a part of the Kings Canyon National Park and such lands shall be known as the General Grant grove section of the said park. The General Grant grove section of the Kings Canyon National Park may, by proclamation of the President, be extended to include the

Provisos.
Acquired rights not affected.

Grazing permits in effect Jan. 15, 1939.

General Grant National Park, abolishment.

General Grant grove section; extension permitted.

Movement of stock
and vehicular traffic.

Transfer of funds.

Use for recreational
purposes.

Motor-vehicle li-
censes.

Proviso.
Privilege limitation.

Administration, etc.

16 U. S. C., ch. 1;
Supp. V, ch. 1.

following described lands, to wit: Section 9, south half, section 10, southwest quarter, and that part of the east half south of Generals Highway; section 11, that part south of Generals Highway; section 13, that part south of Generals Highway; section 14, that part south of Generals Highway, section 15, east half, northwest quarter, and the southeast quarter of the southwest quarter, section 21, southeast quarter of the northeast quarter, and the east half of the southeast quarter; section 22, east half, east half of the northwest quarter, southwest quarter of the northwest quarter and southwest quarter; section 23; section 24, that part south of Generals Highway; sections 25 and 26; section 27, east half, northwest quarter, and that part of the southwest quarter north and east of the crest of Redwood Mountain; section 34, that part east of the crest of Redwood Mountain; sections 35 and 36, township 14 south, range 28 east; all of sections 1 and 2; section 3, that part east of the crest of Redwood Mountain; section 11, that part east and north of the crest of Redwood Mountain; all of section 12; section 13, that part north of the Sequoia National Park boundary, township 15 south, range 28 east, Mount Diablo meridian, which shall be subject to all laws, rules, and regulations applicable to the said park. Such extension of the General Grant grove section of the said park shall not interfere with the movement of stock and vehicular traffic without charge, under general regulations to be prescribed by the Secretary of the Interior, to and from national forest lands on either side of the said park extension. The Kings Canyon National Park shall receive and use all moneys heretofore or hereafter appropriated for General Grant National Park.

SEC. 3. That the National Park Service shall, under the rules and regulations to be prescribed by the Secretary of the Interior, administer for public recreational purposes the lands withdrawn.

SEC. 4. That any motor-vehicle license issued for Sequoia National Park shall be applicable to Kings Canyon National Park, and vice versa: *Provided*, That in order to insure the permanent preservation of the wilderness character of the Kings Canyon National Park the Secretary of the Interior may, in his discretion, limit the character and number of privileges that he may grant within the Kings Canyon National Park. No privileges shall be granted for a period in excess of five years.

SEC. 5. That the administration, protection, and development of the Kings Canyon National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service, and for other purposes", as amended.

Approved, March 4, 1940.

[CHAPTER 41]

AN ACT

March 4, 1940
[H. R. 6505]
[Public, No. 425]

To amend an Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and Acts amendatory thereof and supplementary thereto.

Bankruptcy Act of
1898, amendments.

50 Stat. 855.
11 U. S. C., Supp. V,
§ 403 (a).
Petition for compo-
sition of obligations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 83a of chapter IX of an Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended, be, and it is hereby, amended by inserting immediately after the first paragraph of said section 83a the following: "Wherever the petition seeks to effect a plan for the composition of obligations represented by securities, or evidences in any form of rights

to payment, issued by the petitioner to defray the cost of local improvements and payable out of the proceeds of special assessments or special taxes levied by the petitioner, it shall be sufficient if the petitioner aver that the property liable for the payment of such securities, principal, and interest, is not of sufficient value to pay same, and that the accrued interest on such securities is past due and in default; and the list of creditors to be filed with such petition need contain only the known claimants of rights based on those securities evidencing the obligations sought to be composed under this chapter, and such list shall include separately the names and addresses of those creditors who have accepted the plan of composition. A list of the record owners or holders of title, legal, or equitable, to any real estate involved in the proceeding, shall also be filed with the petition, and such record owners or holders of title shall be notified in the manner provided in this section for creditors and be entitled to hearing by the court upon reasonable application therefor."

SEC. 2. The provisions of the foregoing section shall be deemed to be additional and cumulative and not in diminution of any of the powers conferred by the Act hereby amended.

Approved, March 4, 1940.

[CHAPTER 44]

AN ACT

To facilitate the procurement of aircraft for the national defense.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, until June 30, 1941, whenever contracts are to be awarded as a result of competitive bids for furnishing the War Department or the Navy Department with aircraft, aircraft parts, and accessories therefor, the Secretary of War or the Secretary of the Navy is authorized to award a contract for the aircraft, aircraft parts, and accessories to be purchased as a result of any such competition to the bidder that the said Secretary shall find to be the lowest responsible bidder that can satisfactorily perform the work or service required to the best advantage of the Government, or, in his discretion and when such action is considered necessary by the said Secretary in the interest of the national defense, to award contracts for such aircraft, aircraft parts, and accessories to such bidders, not exceeding three in number, as said Secretary shall find to be the lowest responsible bidders that can satisfactorily perform the work or the service required to the best advantage of the Government. The determinations as to such multiple awards and the necessity for making the same shall be based upon quality, times and rate of delivery, price and the prevention of the overloading of a plant or plants and such division of awards shall be made only when found by the said Secretary to be in the interest of the national defense: *Provided*, That no awards shall be made at prices in excess of those offered by the bidders in any such competition and that the decision of the Secretary of the Department concerned as to the award of any such contract, or contracts, the interpretation of the provisions thereof, and the application and administration of the same shall not be reviewable, otherwise than as may be therein provided for, by any officer or tribunal of the United States except the President and the Federal courts: *Provided further*, That a report shall be made to the Congress by the Secretary of the Department concerned in the case of any competition as a result of which quantity contracts are entered into under authority

List of creditors, contents.

List of record owners, etc., of real estate involved.

Hearing.

Provisions deemed additional.

March 5, 1940

[S. 2868]

[Public, No. 426]

Procurement of aircraft for national defense.
Awarding of contracts.

Multiple awards.

Determination and necessity for making, basis.

Provisos.
Price limitation.

Decision, interpretation, application, etc.; review restriction.

Quantity contracts, report to Congress.

Limitation on profits.

53 Stat. 560.
10 U. S. C., Supp.
V, §§ 311, 312; 34
U. S. C. § 496; Supp.
V, § 496.
Necessity for pro-
curement.

Authority herein granted, construction.

53 Stat. 560, 1000.
10 U. S. C. §§ 310,
1201; Supp. V, §§ 311-
313; 34 U. S. C., Supp.
V, § 496.

Application to designated contracts.

of this Act with more than one bidder, immediately upon the execution of such contracts, setting forth the articles purchased, the prices paid therefor, the name or names of each bidder, and of each contractor receiving a contract, and the particular reasons for awarding each of such contracts: *Provided further*, That any contract entered into under the authority hereby granted, for the construction of any complete aircraft or any portion thereof, shall be subject to the applicable profit-limitation provisions of the Act of March 27, 1934 (48 Stat. 505), as amended by the Act of June 25, 1936 (49 Stat. 1926), and as further amended by the Act of April 3, 1939 (Public, Numbered 18, Seventy-sixth Congress): *Provided further*, That procurement of aircraft, aircraft parts, and accessories therefor shall be made under authority of this Act only when in the opinion of the Secretary of the Department concerned such action is necessary in the public interest: *Provided further*, That the authority herein granted shall not be construed to abrogate, repeal, or suspend any of the provisions of Revised Statutes (3709, U. S. C. 41:5), the Act of March 2, 1901 (31 Stat. 905), the Act of July 2, 1926 (44 Stat. 787), section 14 of the Act of April 3, 1939 (Public, Numbered 18, Seventy-sixth Congress), or of the Act of July 13, 1939 (Public, Numbered 168, Seventy-sixth Congress), or to prohibit the award of any contracts in any manner now authorized by law, but shall be construed as additional legislation to be utilized under the conditions herein set forth, during the effective period of this Act: *And provided further*, That this Act shall be applicable under the conditions herein set forth to awards of contracts upon which competitive bids have been heretofore requested or received but as a result of which contracts have not been awarded.

Approved, March 5, 1940.

[CHAPTER 45]

AN ACT

March 5, 1940

[H. R. 112]

[Public, No. 427]

To facilitate control of soil erosion and flood damage on lands within the Ozark and Ouachita National Forests in Arkansas.

Ozark and Ouachita
National Forests, Ark.
Acquisition of lands
by U. S. to minimize
soil erosion, etc.
36 Stat. 962.

Payment.

Proviso.
Disposition of unex-
pended, etc., funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission, established by section 4 of the Act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands, or interests therein, within the boundaries of the Ozark and Ouachita National Forests, in the State of Arkansas, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands, or interests therein, from the receipts from the sale of natural resources other than mineral or occupancy of public land within the Ozark National Forest and that part of the Ouachita National Forest situated in the State of Arkansas, not to exceed one-half of which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired: *Provided*, That any appropriated amounts which are unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year and amounts so transferred and such parts of the entire receipts of any fiscal year as are not appropriated shall be disposed of in like manner as other national-forest receipts.

Approved, March 5, 1940.

[CHAPTER 46]

AN ACT

Providing payment to employees, Bureau of Reclamation, for mileage traveled in privately owned automobiles.

March 6, 1940
[H. R. 3391]
[Public, No. 428]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General is hereby authorized and directed to credit disbursing agents of the Bureau of Reclamation for payments made as mileage reimbursement for the use, during the period of February 14, 1931, to April 30, 1932, of privately owned motor vehicles, in accordance with the Act of February 14, 1931 (46 Stat. 1146), which payments were suspended and/or disallowed pursuant to the decision of the Comptroller General of April 30, 1932 (A-41688). In those cases where collections have been made from employees pursuant to such suspension and/or disallowed, refunds are authorized: *Provided, however,* That all payments made pursuant to this Act shall be at the rate of 4 cents per mile.

Bureau of Reclamation.
Payments to employees for travel in privately owned motor vehicles.

Refunds.

Proviso.
Rate.

Approved, March 6, 1940.

[CHAPTER 47]

AN ACT

To amend the Bonneville Project Act.

March 6, 1940
[H. R. 7270]
[Public, No. 429]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 (a) of chapter 720 of the Acts of the Seventy-fifth Congress, first session (50 Stat. 731, 732), is hereby amended by inserting after the second sentence ending "in the vicinity of the Bonneville project.", the following sentence: "The Secretary of the Interior shall also appoint, without regard to the civil-service laws, an Assistant Administrator, chief engineer, and general counsel and shall fix the compensation of each at not exceeding \$7,500 per annum. The Assistant Administrator shall perform the duties and exercise the powers of the Administrator, in the event of the absence or sickness of the Administrator until such absence or sickness shall cease, and, in the event of a vacancy in the office of Administrator until a successor is appointed."

Bonneville Project Act, amendments.
16 U. S. C., Supp. V, § 832a.

Assistant Administrator; appointment, duties, and powers.

SEC. 2. Section 2 (a) of said Act is hereby further amended by adding at the end of said section the following:

"The office of the Administrator of the Bonneville project is hereby constituted an office in the Department of the Interior and shall be under the jurisdiction and control of the Secretary of the Interior. All functions vested in the Administrator of the Bonneville project under this Act may be exercised by the Secretary of the Interior and, subject to his supervision and direction, by the Administrator and other personnel of the project."

Jurisdiction, etc.

SEC. 3. Section 4 (b) of the said chapter is hereby amended by striking out the words and figures "January 1, 1941" wherever they occur therein and by substituting in lieu thereof the words and figures "January 1, 1942".

Sale of power, time extensions.
16 U. S. C., Supp. V, § 832c.

Approved, March 6, 1940.

[CHAPTER 48]

JOINT RESOLUTION

To authorize the United States Maritime Commission to acquire certain lands at Saint Petersburg, Florida.

March 9, 1940
[H. J. Res. 424]
[Pub. Res., No. 57]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Maritime Commission is hereby authorized, with funds in the construction fund of the Commission, to acquire on behalf of the United

St. Petersburg, Fla.
Acquisition of certain lands at, authorized.

Description.

States by purchase, condemnation, or otherwise, and pay all costs incident to the examination, transfer, and perfecting of title to that certain tract of land aggregating ten and five one-hundredths acres, more or less, situated and being in the county of Pinellas, State of Florida, together with the structures thereon, described as follows:

Beginning at the southeast corner of lot 6, block 22, Bayboro Addition, as recorded in plat book 3, pages 51 and 52, records of Pinellas County, Florida; thence run south along the west line of Asbury Street South to a point two hundred and seventy-seven and forty-one one-hundredths feet south; thence southeast on an angle of forty-five degrees to the left a distance of nine hundred and sixty-nine and sixteen one-hundredths feet; thence east on an angle of forty-four degrees fifty-seven minutes to the left a distance of three hundred and ninety-five and four-tenths feet; thence northwest on an angle of one hundred and twenty-four degrees forty-two minutes thirty-four seconds to the left a distance of nine hundred and seventy and thirty-eight one-hundredths feet to the farthest southwest corner of the wharf of the port of Saint Petersburg, Florida; thence west on an angle of fifty-five degrees sixteen minutes twenty-six seconds to the left a distance of three hundred and forty-three and eighty-five one-hundredths feet to the west line of First Street South; thence north on said west line of First Street South and on an angle of eighty-nine degrees fifty-six minutes to the right a distance of one hundred and sixty-four and three-tenths feet to the southeast corner of lot 4, block 23, said Bayboro Addition; thence west on an angle of eighty-nine degrees forty-six minutes forty-two seconds to the left and on the south line of said lot 4, block 23, and continue west to the west line of Asbury Street South a distance of one hundred and eighty-five feet to the point of beginning, all of said tract lying and being in the city of Saint Petersburg, county of Pinellas, State of Florida.

Approved, March 9, 1940.

[CHAPTER 49]

AN ACT

March 9, 1940

[S. 643]

[Public, No. 430]

Authorizing the payment of necessary expenses incurred by certain Indians allotted on the Quinaielt Reservation, State of Washington.

Indians on Quinaielt
Reservation, Wash.
Payment to certain
attorneys for services
rendered and expenses
incurred.

Appropriation au-
thorized.
Post, p. 642.

Reimbursement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay the attorneys of record for those Quinaielt Indians who received their allotments on the Quinaielt Reservation, State of Washington, pursuant to judgments or decrees of a United States district or appellate court in a case wherein they were named parties plaintiff, the reasonable and fair value of the services rendered and expenses incurred, as heretofore fixed and determined by said Secretary; and the sum of \$28,400.10, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to make said payments, the amount so paid for the account of each allottee to be reimbursed to the United States out of any funds now or hereafter accruing to the account of each such Indian allottee from the sale of his or her allotment, or the timber thereon.

Approved, March 9, 1940.

[CHAPTER 51]

AN ACT

Granting easements on Indian lands of the Wind River or Shoshone Indian Reservation, Wyoming, for dam site and reservoir purposes in connection with the Riverton reclamation project.

March 14, 1940

[S. 2843]

[Public, No. 431]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the United States and its assigns, including its successors in control of the operation and maintenance of the Riverton reclamation project, Wyoming, a flowage easement and an easement for a dam site, together with all rights and privileges incident to the use and enjoyment of said easements, over tribal and allotted lands of the Wind River or Shoshone Indian Reservation within that part of said reservation required for the construction of the Bull Lake Dam and Reservoir on Bull Lake Creek, a tributary of the Wind River, in connection with the Riverton reclamation project, Wyoming, and for the impounding of approximately one hundred and fifty-five thousand acre-feet of water, including a ten-foot freeboard: *Provided*, That in consideration of the said rights insofar as they affect tribal lands there shall be deposited into the Treasury of the United States pursuant to the provisions of the Act of May 17, 1926 (44 Stat. 560), for credit to the Shoshone and Arapaho Indians of the Wind River Reservation the sum of \$6,500, from moneys appropriated for the construction of the said Bull Lake Dam and Reservoir, and the said sum when so credited shall draw interest at the rate of 4 per centum per annum.

Wind River or Shoshone Indian Reservation, Wyo.
Easements granted U. S., concerning Riverton reclamation project.

Bull Lake Dam and Reservoir.

Proviso.
Amount to credit of Indians.

25 U. S. C. § 155.

SEC. 2. That compensation to the individual Indian owners of the allotted lands within the area described in section 1 shall be made from moneys appropriated for the construction of the Bull Lake Dam and Reservoir at the appraised value of the easements: *Provided*, That should any individual Indian not agree to accept the appraised value of the easement as it affects his land, the Secretary of the Interior be, and he is hereby, authorized to acquire such easement by condemnation proceedings.

Compensation.

Proviso.
Condemnation proceedings.

SEC. 3. The easements herein granted shall not interfere with the use by the Indians of the Wind River or Shoshone Indian Reservation of the lands herein dealt with and the waters of Bull Lake Creek and the reservoir insofar as the use by the Indians shall not be inconsistent with the use of said lands for reservoir purposes.

Use of lands, etc., by Indians.

SEC. 4. The Secretary of the Interior is authorized to perform any and all acts and to prescribe such regulations as may be necessary to carry out the provisions of this Act.

Administrative provisions.

Approved, March 14, 1940.

[CHAPTER 52]

AN ACT

To provide for allowance of expenses incurred by Veterans' Administration beneficiaries and their attendants in authorized travel for examination and treatment.

March 14, 1940

[S. 2866]

[Public, No. 432]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is hereby authorized, under regulations to be prescribed by the President, to pay the actual necessary expenses of travel, including lodging and subsistence, or in lieu thereof an allowance based upon the mileage traveled, of any person to or from a Veterans' Administration facility, or other place for the purpose of examination, treatment, or care: *Provided*, That payment of mileage upon termination of examination, treatment, or

Veterans' Administration.
Allowance of expenses to certain beneficiaries.

Provisos.
Mileage.

Expenses of an attendant.

care may be made prior to completion of such travel: *And provided further*, That when any such person requires an attendant other than an employee of the Veterans' Administration for the performance of such travel, such attendant may be allowed expenses of travel upon a similar basis.

Approved, March 14, 1940.

[CHAPTER 53]

AN ACT

March 14, 1940

[S. 3012]

[Public, No. 433]

To amend the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (32 Stat. 662), relative to the payment of the commuted rations of enlisted men.

Enlisted men,
Navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (32 Stat. 662), insofar as the provisions thereof are embodied in section 908 of title 34 of the United States Code, is hereby amended to read as follows:

Payments from accrued commuted rations.

"Money accruing from the commuted rations of enlisted men legally assigned to duty with officers' or other messes, afloat or ashore, may be paid under such regulations as may be prescribed by the Secretary of the Navy."

Approved, March 14, 1940.

[CHAPTER 56]

JOINT RESOLUTION

March 15, 1940

[S. J. Res. 206]

[Pub. Res., No. 58]

Creating a commission to arrange for the celebration of the sesquicentennial anniversary of the signing of the first United States patent law.

First patent law, sesquicentennial celebration.
Preamble.

Whereas there will occur on April 10, 1940, the one hundred and fiftieth anniversary of President George Washington's approval of the first Act of Congress authorizing and regulating the grant of patents as contemplated in article I, section 8, of the Constitution; and

Whereas the encouragement and the protection thus afforded to discoverers and inventors have both inspired and rewarded their genius to the benefit of this Nation and the whole world; and

Whereas the American patent system inaugurated by this Act of Congress has promoted countless applications of the arts and sciences to the needs and well-being of our people and thereby contributed notably to a higher standard of living in our country; and

Whereas it is fitting that the anniversary of the institution of a system so beneficial to the people of the United States should be worthily observed: Now, therefore, be it

Commission on arrangements.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created a commission consisting of the chairman of the Senate Committee on Patents, the chairman of the House Committee on Patents, the Secretary of Commerce, the Commissioner of Patents, and five other members to be selected by them, with power and authority to make suitable arrangements for an appropriate observance of the sesquicentennial of the first United States patent law.

Inventors' and Patent Day.
President requested to set aside April 10, 1940, as.

SEC. 2. That the President of the United States is requested to set aside April 10, 1940, as Inventors' and Patent Day to invite a general public commemoration of an event which has proved so important and salutary to this Nation.

SEC. 3. That the Senate and the House of Representatives shall conduct suitable exercises whereby Congress may mark the anniversary.

Approved, March 15, 1940.

Commemorative exercises by Congress.

[CHAPTER 57]

AN ACT

To amend section 23 of the Act of March 4, 1909, relating to copyrights.

March 15, 1940

[S. 547]

[Public, No. 434]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 23 of the Act of March 4, 1909 (35 Stat. 1080; U. S. C., title 17, sec. 23), is hereby amended by deleting from the second proviso clause thereof the words "when such contribution has been separately registered".

Copyright Act of 1909, amendment. Renewals and extensions.

Approved, March 15, 1940.

[CHAPTER 58]

AN ACT

To authorize the Administrator of Veterans' Affairs to exchange certain property located at Veterans' Administration facility, Tuskegee, Alabama, title to which is now vested in the United States, for certain property of the Tuskegee Normal and Industrial Institute.

March 15, 1940

[S. 1088]

[Public, No. 435]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is hereby authorized and directed to transfer to the Tuskegee Normal and Industrial Institute, Tuskegee Institute, Alabama, title to the land described in subsection (a) of this Act, now vested in the United States, in exchange for certain property, described in subsection (b) of this Act, from the Tuskegee Normal and Industrial Institute.

Tuskegee, Ala. Exchange of lands at, authorized.

(a) The following-described property located in the northwest corner of the northeast quarter of the southwest quarter of section 23, township 17, range 23 east, Macon County, Alabama, and being all that portion of the Government reservation lying west of the old Chehaw Road:

Property transferred by U. S.

Beginning at a point, said point being the northwest corner of the northeast quarter of the southwest quarter of said section 23, said point also being the northwest corner of that part of the Government reservation lying west of the old Chehaw Road; thence east along the north line of the northeast quarter of the southwest quarter of said section 23, same also being the north line of that part of the Government reservation lying west of the old Chehaw Road, a distance of three and four-tenths chains to a point in the west side of the old Chehaw Road; thence south twenty-five degrees east along the west line of the old Chehaw Road, a distance of three and thirty-four one-hundredths chains to a point, said point being in the southerly boundary line of the Government reservation; thence west along the southerly boundary line of the Government reservation, a distance of four and eighty-one one-hundredths chains to the west line of the northeast quarter of the southwest quarter of said section 23; thence north along the west line of the northeast quarter of the southwest quarter of said section 23, a distance of three and three one-hundredths chains to the point of beginning, containing, in all, one and twenty-four one-hundredths acres more or less.

Description.

(b) The following-described property located in the north half of the southeast quarter of section 23, township 17, range 23 east, Macon County, Alabama:

Property transferred by Tuskegee Normal and Industrial Institute.

Beginning at a point, said point being in the northeast quarter of the southeast quarter of said section 23, and also being three and

Description.

three one-hundredths chains south of the east and west half section line of said section 23 and ten and two-tenths chains west of the east line of said section 23, and further being in the south line of the Government reservation as at present constituted; thence south a distance of six and eighty-one one-hundredths chains to a point; thence west a distance of eleven chains to a point, said point being west one and two-tenths chains from the east line of the northwest quarter of the southeast quarter of said section 23; thence north a distance of six and eighty-one one-hundredths chains to a point, said point being in the southerly boundary line of the present Government reservation; thence east along the southerly boundary line of the Government reservation a distance of eleven chains to the point of beginning, containing seven and five-tenths acres, more or less.

Approved, March 15, 1940.

[CHAPTER 59]

AN ACT

March 15, 1940
[S. 2152]
[Public, No. 436]

To protect scenic values along the Catalina Highway within the Coronado National Forest, Arizona.

Coronado National
Forest, Ariz.
Conditional title to
certain lands along
Catalina Highway
within, authorized.

Use restricted.

Proviso.
Existing claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter mining locations made under the mining laws of the United States upon lands within four hundred feet of the center line of the Catalina Highway, Coronado National Forest, Arizona, which highway begins at the south boundary of said national forest near the southeast corner of section 7, township 13 south, range 16 east, Gila and Salt River base and meridian, and runs in a general northerly direction for a distance of about twenty-five miles to Soldier Camp, shall confer on the locator no right to the surface of the land described in his location other than the right to occupy and use, under the rules and regulations relating to the administration of the Coronado National Forest, so much thereof as may be reasonably necessary to carry on prospecting and mining, and shall not authorize the taking of any resource other than the mineral deposits, or the occupancy of said land for any purpose other than prospecting and mining; and each patent issued thereafter under the United States mining laws upon a mineral location made upon lands within four hundred feet of said center line shall convey title only to the mineral deposits within said land and the right, subject to rules and regulations relating to the national forests, to occupy and use the surface of the land for prospecting and mining only: *Provided,* That valid mining claims within said lands existing on the date of enactment of this Act and thereafter maintained in compliance with the laws under which they were initiated and the laws of the State of Arizona may be perfected in accordance with the laws under which they were initiated.

Approved, March 15, 1940.

[CHAPTER 60]

AN ACT

March 15, 1940
[S. 2740]
[Public, No. 437]

To amend section 9a, National Defense Act, as amended, so as to provide specific authority for the employment of warrant officers of the Regular Army as agents of officers of the finance department for the disbursement of public funds.

National Defense
Act, amendment.
10 U. S. C. § 173.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9a of the National Defense Act, as amended by the Act of June 4, 1920 (41 Stat. 766), be, and the same is hereby, further amended as follows:

After the word "officers", in line 13 of the said section, insert the words "or warrant officers"; before the word "to", in line 15, insert the words "or warrant officer".

Approved, March 15, 1940.

Regular Army, warrant officers as disbursing agents.

[CHAPTER 61]

AN ACT

To amend section 55, National Defense Act, as amended, to provide for enlistment of men up to forty-five years of age in technical units of the Enlisted Reserve Corps.

March 15, 1940
[S. 2769]

[Public, No. 438]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 55 of the National Defense Act of June 3, 1916, as amended (44 Stat. 704), be and the same is hereby further amended to read as follows:

National Defense Act, amendment.
10 U. S. C. §§ 421, 423-425.

"SEC. 55. THE ENLISTED RESERVE CORPS.—The Enlisted Reserve Corps shall consist of persons voluntarily enlisted therein. The period of enlistment shall be three years, except in the case of persons who served in the Army, Navy, or Marine Corps at some time between April 6, 1917, and November 11, 1918, who may be enlisted for one-year periods and who in time of peace shall be entitled to discharge within ninety days if they make application therefor. Enlistments shall be limited to persons eligible for enlistment in the Regular Army who have had such military or technical training as may be prescribed by regulations of the Secretary of War, except that for original enlistments of such specialists in units as may be prescribed by regulations of the Secretary of War the maximum age shall be forty-five years. All enlistments in force at the outbreak of war, or entered into during its continuation, whether in the Regular Army or the Enlisted Reserve Corps, shall continue in force until six months after its termination unless sooner terminated by the President."

Enlisted Reserve Corps, composition, enlistment period.

Eligibility.

Continuance of enlistments in time of war.

Approved, March 15, 1940.

[CHAPTER 62]

AN ACT

To authorize an exchange of lands between the Richmond, Fredericksburg and Potomac Railroad Company and the United States, at Quantico, Virginia.

March 15, 1940
[S. 2992]

[Public, No. 439]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to transfer to the Richmond, Fredericksburg and Potomac Railroad Company, a corporation of the State of Virginia, by appropriate deed of conveyance, free from all encumbrances and without cost to the Richmond, Fredericksburg and Potomac Railroad Company all right, title, and interest of the United States in and to the following parcels of land contained within the Marine Corps Reservation at Quantico, Virginia, as indicated by metes and bounds descriptions on blueprint "P. W. Drawing No. 665, approved August 19, 1938", and "Right of Way and Track Map of Richmond, Fredericksburg and Potomac Railroad Company V-1/40", both on file in the Navy Department:

Quantico, Va.
Exchange of lands with R. F. and P. Railroad Co., authorized.

Parcel 1. Strip of land approximately ten feet wide and nine hundred feet long adjacent to and along the east side of the right-of-way of the Richmond, Fredericksburg and Potomac Railroad Company, containing two thousand and sixty-six ten-thousandths of an acre, more or less; and

Parcel 4. A strip of land twenty feet wide and twelve hundred feet long adjacent to and along the east side of the right-of-way of the

Richmond, Fredericksburg and Potomac Railroad Company, containing five thousand and five hundred and nine ten-thousandths of an acre, more or less; in consideration of the transfer to the United States by appropriate deed of conveyance by the Richmond, Fredericksburg and Potomac Railroad Company, free from all encumbrances, and without cost to the United States, all right, title, and interest of the Richmond, Fredericksburg and Potomac Railroad Company, to the following parcels of land:

Parcel 2. A strip of land along the west boundary of the Richmond, Fredericksburg and Potomac Railroad Company right-of-way between the center line of the old channel of Chopawamsic Creek and the 1877 channel change, containing five and three one-hundredths acres, more or less; and

Parcel 3. A strip of land between the west boundary of the Richmond, Fredericksburg and Potomac Railroad Company and the 1877 channel of Chopawamsic Creek, containing nine and forty-eight one-hundredths acres, more or less.

Acquisition of adjoining areas.

SEC. 2. The Secretary of the Navy is further authorized to acquire on behalf of the United States by purchase, condemnation, or otherwise, all right, title, and interest in any remaining small areas adjoining parcels 2 and 3 and the 1877 channel change of Chopawamsic Creek in order to adjust the boundary line of the Marine Corps Reservation.

Right reserved.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, March 15, 1940.

[CHAPTER 65]

AN ACT

March 18, 1940
[S. 2284]
[Public, No. 440]

To amend the Act of May 4, 1898 (30 Stat. 369), so as to authorize the President to appoint one hundred acting assistant surgeons for temporary service.

Medical Corps,
Navy.

34 U. S. C. § 21.
Additional acting
assistant surgeons for
temporary service,
authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of May 4, 1898, entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for other purposes" (30 Stat. 369), is hereby amended so that the last paragraph of the appropriation for the Bureau of Medicine and Surgery (30 Stat. 380), shall read as follows: "The President is hereby authorized to appoint for temporary service one hundred acting assistant surgeons, who shall have the rank and compensation of assistant surgeons".

Approved, March 18, 1940.

[CHAPTER 66]

AN ACT

March 18, 1940
[H. R. 7863]
[Public, No. 441]

To amend section 602 (e) of the Communications Act of 1934, as amended, relating to a study of radio requirements for ships navigating the Great Lakes and inland waters of the United States.

Federal Communi-
cations Commission.
Time extension for
report.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 602 (e) of the Communications Act of 1934, as amended (50 Stat. 197; U. S. C., 1934 edition, Supp. IV, title 47, sec. 602), is hereby amended by striking out the words "not later than December 31, 1939", and inserting in lieu thereof the words "as soon as practicable but not later than January 1, 1941".

Approved, March 18, 1940.

[CHAPTER 71]

AN ACT

Making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1941, and for other purposes.

March 25, 1940
[H. R. 8068]
[Public, No. 442]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Treasury and Post
Office Departments
Appropriation Act,
1941.

TITLE I—TREASURY DEPARTMENT

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department for the fiscal year ending June 30, 1941, namely:

Treasury Depart-
ment Appropriation
Act 1941.

OFFICE OF THE SECRETARY

Salaries: Secretary of the Treasury, Under Secretary of the Treasury, three Assistant Secretaries of the Treasury, and other personal services in the District of Columbia, including the temporary employment of experts, \$263,360: *Provided*, That in expending appropriations or portions of appropriations contained in this Act for the payment of personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the Assistant Secretaries of the Treasury and the Assistant Postmasters General, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade, but not more often than once in any fiscal year, and then only to the next higher rate: *Provided further*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Salaries.

Experts.

Provisos.
Salary restriction.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

Restriction not ap-
plicable in designated
cases.

42 Stat. 1490.
5 U. S. C. § 666.

DIVISION OF RESEARCH AND STATISTICS

Salaries: For personal services in the District of Columbia, \$168,000.

Salaries.

OFFICE OF GENERAL COUNSEL

Salaries: For the General Counsel and other personal services in the District of Columbia, \$136,000.

Salaries.
Post, p. 652.

DIVISION OF PERSONNEL

Salaries: For the Chief of the Division and other personal services in the District of Columbia, \$134,600.

Salaries.

OFFICE OF CHIEF CLERK

Salaries.
Post, p. 652.

Salaries: For the Chief Clerk and other personal services in the District of Columbia, \$178,445.

MISCELLANEOUS AND CONTINGENT EXPENSES, TREASURY DEPARTMENT

Department contin-
gent, etc., expenses.
Post, p. 1045.
Operating expenses,
Department build-
ings.

Traveling expenses.

Vehicles.

Provisos.
Additional funds.
Post, pp. 58, 60, 62,
69, 57.

37 Stat. 414.

Minor purchases.
Post, p. 1109.

For miscellaneous and contingent expenses of the Office of the Secretary and the bureaus and offices of the Department, including operating expenses of the Treasury, Treasury Annex, Auditors', and Liberty Loan Buildings; newspaper clippings, financial journals, books of reference, law books, technical and scientific books, newspapers, and periodicals, expenses incurred in completing imperfect series, library cards, supplies, and all other necessary expenses connected with the library; not exceeding \$5,000 for traveling expenses, including the payment of actual transportation and subsistence expenses to any person whom the Secretary of the Treasury may from time to time invite to the city of Washington or elsewhere for conference and advisory purposes in furthering the work of the Department; freight, expressage, telegraph and telephone service; purchase and exchange of motortrucks, and maintenance and repair of motortrucks and three passenger automobiles (one for the Secretary of the Treasury and two for general use of the Department), all to be used for official purposes only; file holders and cases; fuel, oils, grease, and heating supplies and equipment; gas and electricity for lighting, heating, and power purposes, including material, fixtures, and equipment therefor; purchase, exchange, and repair of typewriters and labor-saving machines and equipment and supplies for same; floor covering and repairs thereto; furniture and office equipment, including supplies therefor and repairs thereto; awnings, window shades, and fixtures; cleaning supplies and equipment; drafting equipment; flags; hand trucks, ladders; miscellaneous hardware; streetcar fares not exceeding \$750; thermometers; lavatory equipment and supplies; tools and sharpening same; laundry service; laboratory supplies and equipment, removal of rubbish; postage; and other absolutely necessary articles, supplies, and equipment not otherwise provided for; \$227,000: *Provided*, That the appropriations for the Public Debt Service, Internal Revenue Service, Federal Alcohol Administration, United States Processing Tax Board of Review, Procurement Division, and Division of Disbursement for the fiscal year 1941 are hereby made available for the payment of items otherwise properly chargeable to this appropriation, the provisions of section 6, Act of August 23, 1912 (31 U. S. C. 669), to the contrary notwithstanding: *Provided further*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the Treasury Department when the aggregate amount involved does not exceed the sum of \$50.

CUSTODY OF TREASURY BUILDINGS

Operating force.
Post, p. 652.

Guard force.

Salaries of operating force: For the Superintendent of Treasury Buildings and for other personal services in the District of Columbia, including the operating force of the Treasury Building, the Treasury Annex, the Liberty Loan Building, the Auditors' Building, and of other buildings under the control of the Treasury Department, except the buildings of the Bureau of Engraving and Printing, \$308,140.

Salaries and expenses, guard force: For salaries and expenses of the guard force for Treasury Department buildings in the District of Columbia, including the Bureau of Engraving and Printing, including not to exceed \$6,000 for purchase, repair, and cleaning of uniforms, and for the purchase of arms and ammunition and miscel-

laneous equipment, \$290,000: *Provided*, That this appropriation may be reimbursed in an amount not exceeding \$40,000, for service rendered in the Bureau of Engraving and Printing in connection with the protection of currency, bonds, stamps, and other papers of value the cost of producing which is not covered and embraced in the direct appropriations for such Bureau: *Provided further*, That the Secretary of the Treasury may detail an agent of the Secret Service to supervise such force.

Proviso.
Reimbursement for designated services.

Secret Service supervisor.

DIVISION OF PRINTING

Salaries: For the Chief, Division of Printing, and other personal services in the District of Columbia, \$66,760.

Salaries.

Printing and binding: For printing and binding for the Treasury Department, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, except the Bureau of Internal Revenue, and including materials for the use of the bookbinder, located in the Treasury Department, but not including work done at the New York Customhouse bindery authorized by the Joint Committee on Printing in accordance with the Act of March 1, 1919 (44 U. S. C. 111), and for the cost of transportation to field offices of printed and bound material, including cost of necessary packing boxes and packing materials, \$460,000.

Printing and binding.
Post, p. 1045.

Work excluded.

40 Stat. 1270.

Stationery: For stationery for the Treasury Department and its several bureaus and offices, and field services thereof, including tags, labels, and index cards, printed in the course of manufacturing, packing boxes and other materials necessary for shipping stationery supplies, and cost of transportation of stationery supplies purchased free on board point of shipment and of such supplies shipped from Washington to field offices, \$573,700.

Stationery.
Post, pp. 653, 1045.

OFFICE OF COMMISSIONER OF ACCOUNTS AND DEPOSITS

Salaries: For Commissioner of Accounts and Deposits and other personal services in the District of Columbia, including the Division of Bookkeeping and Warrants, \$386,000.

Salaries.
Post, p. 653.

Division of Disbursement, salaries and expenses: For personal services in the District of Columbia and in the field, stationery, travel, rental of equipment, and all other necessary miscellaneous and contingent expenses, \$1,396,800: *Provided*, That with the approval of the Director of the Bureau of the Budget there may be transferred to this appropriation from funds available for the Agricultural Adjustment Administration, Federal Housing Administration, United States Housing Authority, Federal Surplus Commodities Corporation, Federal Prison Industries, Railroad Retirement Board, Social Security Board, United States Maritime Commission, the Federal Crop Insurance Corporation, and the Commodity Credit Corporation, such sums as may be necessary to cover the expense incurred in performing the function of disbursement therefor.

Division of Disbursement.
Ante, p. 56.

Proviso.
Transfer of funds from designated agencies.

Contingent expenses, public moneys: For contingent expenses under the requirements of section 3653 of the Revised Statutes (31 U. S. C. 545), for the collection, safekeeping, transfer, and disbursement of the public money, transportation of notes, bonds, and other securities of the United States, transportation of gold coin, gold bullion, and gold certificates transferred to Federal Reserve banks and branches, United States mints and assay offices, and the Treasury, after March 9, 1933, actual expenses of examiners detailed to examine the books, accounts, and money on hand at the several depositories, including national banks acting as depositories under the requirements of section 3649 of the Revised Statutes (31 U. S. C. 548), also including examinations of cash accounts at mints, \$175,000.

Contingent expenses, public moneys.

Examination of depositories.

Recoinage of minor coins.

Recoinage of minor coins: To enable the Secretary of the Treasury to continue the recoinage of worn and uncurrent minor coins of the United States now in the Treasury or hereafter received, and to reimburse the Treasurer of the United States for the difference between the nominal or face value of such coins and the amount the same will produce in new coins, \$25,000.

Recoinage of silver coins.

Recoinage of silver coins: To enable the Secretary of the Treasury to continue the recoinage of worn and uncurrent subsidiary silver coins of the United States now in the Treasury or hereafter received, and to reimburse the Treasurer of the United States for the difference between the nominal or face value of such coins and the amount the same will produce in new coins, \$425,000.

Relief of the indigent, Alaska.

Relief of the indigent, Alaska: For the payment to the United States district judges in Alaska but not to exceed 10 per centum of the receipts from licenses collected outside of incorporated towns in Alaska, to be expended for the relief of persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident, \$30,000.

Refund of moneys erroneously received and covered.

Refund of moneys erroneously received and covered: To enable the Secretary of the Treasury to meet any expenditures of the character formerly chargeable to the appropriation accounts abolished under section 18 of the Permanent Appropriation Repeal Act of 1934, approved June 26, 1934, and any other collections erroneously received and covered which are not properly chargeable to any other appropriation, \$35,000.

48 Stat. 1231.
31 U. S. C. § 725q.

Government losses in shipment (revolving fund).

Fund for Payment of Government Losses in Shipment (Revolving Fund): For an additional amount for the revolving fund for payment of Government losses in shipment, created in accordance with the provisions of section 2 of the Government Losses in Shipment Act, approved July 8, 1937 (50 Stat. 479-484), as amended, including expenses other than personal services incurred in the defense, safeguard, or recovery of valuables, or the value thereof, replacement of which shall have been made out of the fund, or for which a claim for replacement shall have been made, \$1,000.

5 U. S. C., Supp. V, § 134a.

Payment of unclaimed moneys.

Payment of unclaimed moneys: To enable the Secretary of the Treasury to meet any expenditures of the character formerly chargeable to the appropriation accounts abolished under section 17 of the Permanent Appropriation Repeal Act of 1934, approved June 26, 1934, payable from the funds held by the United States in the trust fund receipt account "Unclaimed moneys of individuals whose whereabouts are unknown", \$15,000.

48 Stat. 1230.
31 U. S. C. § 725p.

Ante, p. 56.

PUBLIC DEBT SERVICE

Salaries and expenses.

Salaries and expenses: For necessary expenses connected with the administration of any public-debt issues and United States paper-currency issues with which the Secretary of the Treasury is charged, including the purchase of law books, directories, books of reference, pamphlets, periodicals, and newspapers, and the maintenance, operation, and repair of a motor-propelled bus or station wagon for use of the Destruction Committee, and including the Commissioner of the Public Debt and other personal services in the District of Columbia, \$2,375,000: *Provided*, That the amount to be expended for personal services in the District of Columbia shall not exceed \$2,345,500.

Proviso.
Limitation.

Expenses of loans, restriction.
40 Stat. 292.
31 U. S. C., Supp. V, §§ 760, 761.

Expenses of loans: The indefinite appropriation "Expenses of loans, Act of September 24, 1917, as amended and extended" (31 U. S. C. 760, 761), shall not be used during the fiscal year 1941 to supplement the appropriation herein made for the current work of the Public Debt Service, and the amount obligated under such indefinite appro-

priation during such fiscal year shall not exceed \$4,000,000: *Provided*, That the proviso in the Act of June 16, 1921 (31 U. S. C. 761), limiting the availability of this appropriation for expenses of operations on account of any public debt issue to the close of the fiscal year next following the fiscal year in which such issue was made, shall not apply to savings bond transactions handled by the Federal Reserve banks for account of the Secretary of the Treasury.

Distinctive paper for United States securities: For distinctive paper for United States currency and Federal Reserve bank currency, including transportation of paper, traveling, mill, and other necessary expenses, and salaries of employees and allowance, in lieu of expenses, of officer or officers detailed from the Treasury Department, not exceeding \$50 per month each when actually on duty; in all, \$800,000: *Provided*, That in order to foster competition in the manufacture of distinctive paper for United States securities, the Secretary of the Treasury is authorized, in his discretion, to split the award for such paper for the fiscal year 1941 between the two bidders whose prices per pound are the lowest received after advertisement.

BUREAU OF CUSTOMS

Salaries and expenses: For collecting the revenue from customs, for the detection and prevention of frauds upon the customs revenue, and not to exceed \$100,000 for the securing of evidence of violations of the customs laws; for expenses of transportation and transfer of customs receipts from points where there are no Government depositories; not to exceed \$84,500 for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a), but not to exceed \$1,700 for any one person; not to exceed \$500 for subscriptions to newspapers; not to exceed \$2,000 for improving, repairing, maintaining, or preserving buildings, inspection stations, office quarters, including living quarters for officers, sheds, and sites along the Canadian and Mexican borders acquired under authority of the Act of June 26, 1930 (19 U. S. C. 68); and including the purchase (not to exceed \$87,500), exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles when necessary for official use in field work; \$20,900,000, of which such amount as may be necessary shall be available for the payment of extra compensation earned by customs officers or employees for overtime services, at the expense of the parties in interest, in accordance with the provisions of section 5 of the Act approved February 13, 1911, as amended by the Act approved February 7, 1920, and section 451 of the Tariff Act, 1930 (19 U. S. C. 261, 267, and 1451): *Provided*, That the receipts from such parties in interest for such overtime services shall be deposited as a refund to the appropriation from which such overtime compensation is paid, in accordance with the provisions of section 524 of the Tariff Act of 1930 (19 U. S. C. 1524); for the cost of seizure, storage, and disposition of any merchandise, vehicle and team, automobile, boat, air or water craft, or any other conveyance seized under the provisions of the customs laws, for the purchase of arms, ammunition, and accessories, and \$497,180 shall be available for personal services in the District of Columbia exclusive of ten persons from the field force authorized to be detailed under section 525 of the Tariff Act of 1930: *Provided*, That no part of this appropriation shall be expended for maintenance or repair of motor-propelled passenger-carrying vehicles for use in the District of Columbia except two for use in connection with the work of the customhouse in Georgetown.

Inapplicability to savings bond transactions.
42 Stat. 36.

Distinctive paper for U. S. securities.

Proviso.
Division of award.

Salaries and expenses.

Transfer of receipts from points lacking Government depositories.
Living quarters.

46 Stat. 818.

Quarters along borders.

46 Stat. 817.

Vehicles.

Overtime service at expense of parties in interest.

36 Stat. 901; 41 Stat. 402; 46 Stat. 715.
19 U. S. C., Supp. V, § 1451.

Proviso.
Deposit of receipts as refund to appropriation.

46 Stat. 741.
19 U. S. C., Supp. V, § 1524.
Cost of seizure, etc., under customs laws.

Personal services.
Details to D. C. from field service.
46 Stat. 741.
19 U. S. C. § 1525.
Vehicle restriction.

Refunds and drawbacks.

Refunds and drawbacks: For the refund or payment of customs collections or receipts, and for the payment of debentures or drawbacks, bounties, and allowances, as authorized by law, \$14,200,000.

OFFICE OF TREASURER OF THE UNITED STATES

Salaries.

Salaries: For Treasurer of the United States, Assistant Treasurer, and for other personal services in the District of Columbia, \$1,248,920.

Redeeming Federal Reserve and national currency.

Salaries (Reimbursable): For personal services in the District of Columbia, in redeeming Federal Reserve and national currency, \$58,000, to be reimbursed by the Federal Reserve and national banks.

Transfer of funds.

With the approval of the Director of the Bureau of the Budget, there may be transferred sums (not exceeding a total of \$650,000) to the appropriations, "Salaries, Office of Treasurer of the United States, 1941", "Contingent expenses, Treasury Department, 1941", "Printing and binding, Treasury Department, 1941", and "Stationery, Treasury Department, 1941", from funds available for the Agricultural Adjustment Administration, Home Owners' Loan Corporation, Farm Credit Administration, Tennessee Valley Authority, Federal Farm Mortgage Corporation, Reconstruction Finance Corporation, Federal land banks and other banks and corporations under the supervision of the Farm Credit Administration, Railroad Retirement Board, Soil Conservation Service, including Soil Conservation and Domestic Allotment, Social Security Board, Federal Housing Administration, United States Housing Authority, Civilian Conservation Corps, Public Works Administration, Commodity Credit Corporation, Rural Electrification Administration, and corporations and banks under the Federal Home Loan Bank Board to cover the expenses incurred on account of such respective activities in clearing of checks, servicing of bonds, handling of collections, and rendering of accounts therefor.

Ante, pp. 56, 57.

OFFICE OF THE COMPTROLLER OF THE CURRENCY

Salaries.

Salaries: Comptroller of the Currency and other personal services in the District of Columbia, \$245,500.

Ante, p. 56.

BUREAU OF INTERNAL REVENUE

Salaries and expenses.
Post, pp. 653, 1045.

Salaries and expenses: For salaries and expenses in connection with the assessment and collection of internal-revenue taxes and the administration of the internal-revenue laws, including the administration of such provisions of other laws as are authorized by or pursuant to law to be administered by or under the direction of the Commissioner of Internal Revenue, including the Commissioner of Internal Revenue, Assistant General Counsel for the Bureau of Internal Revenue, an assistant to the Commissioner, a special deputy commissioner, five deputy commissioners, one stamp agent (to be reimbursed by the stamp manufacturers), and the necessary officers, collectors, deputy collectors, attorneys, experts, agents, accountants, inspectors, investigators, chemists, supervisors, storekeeper-gaugers, guards, clerks, janitors, and messengers in the District of Columbia, the several collection districts, the several divisions of internal-revenue agents and the several supervisory districts, to be appointed as provided by law; the securing of evidence of violations of the Acts, the cost of chemical analyses made by others than employees of the United States and expenses incident to such chemists testifying when necessary; telegraph and telephone service, rent in the District of Columbia and elsewhere, postage, freight, express, neces-

Commissioner, Assistant General Counsel, and other personal services.

Securing of evidence of law violations.

Miscellaneous expenses.

sary expenses incurred in making investigations in connection with the enrollment or disbarment of practitioners before the Treasury Department in internal-revenue matters, expenses of seizure and sale, and other necessary miscellaneous expenses, including stenographic reporting services; for the acquisition of property under the provisions of title III of the Liquor Law Repeal and Enforcement Act, approved August 27, 1935 (49 Stat. 872-881), and the operation, maintenance, and repair of property acquired under such title III; for the purchase (not to exceed \$25,000), exchange, hire, maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary, for official use of the Alcohol Tax Unit in field work; printing and binding (not to exceed \$525,000); and the purchase of such supplies, equipment, furniture, mechanical devices, laboratory supplies, law books and books of reference, and such other articles as may be necessary for use in the District of Columbia, the several collection districts, the several divisions of internal-revenue agents, and the several supervisory districts, \$60,156,860, of which amount not to exceed \$9,394,920 may be expended for personal services in the District of Columbia: *Provided*, That no part of this amount shall be used in defraying the expenses of any officer designated above, subpoenaed by the United States court to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of jurors and witnesses, United States courts": *Provided further*, That not more than \$100,000 of the total amount appropriated herein may be expended by the Commissioner of Internal Revenue for detecting and bringing to trial persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violation.

Salaries and administrative expenses for refunding processing and related taxes and administering title III, Revenue Act of 1936: For salaries and expenses in connection with (1) the assessment and collection of the tax on unjust enrichment imposed by title III, Revenue Act of 1936, (2) the making of refunds and payments of processing and related taxes, as authorized by titles IV and VII of the Revenue Act of 1936, as amended, and (3) the refund of taxes collected under the Cotton Act of April 21, 1934, as amended (48 Stat. 598), the Tobacco Act of June 28, 1934, as amended (48 Stat. 1275), and the Potato Act of August 24, 1935 (49 Stat. 782), as authorized by the Second Deficiency Appropriation Act, fiscal year 1938, as amended, including personal services and rent in the District of Columbia and elsewhere, the hiring of experts, stationery and office supplies, equipment, furniture, mechanical devices, law books and books of reference, trade journals, stenographic reporting service, telegraph and telephone services, postage, freight, express, printing and binding, notarial fees, travel expenses, fees of expert witnesses, and fees and mileage of witnesses, which shall be the same as are paid witnesses in the courts of the United States and may be paid in advance upon certification of such officer as the Commissioner of Internal Revenue or the Secretary of the Treasury may designate, \$2,800,000, of which amount not to exceed \$1,441,580 may be expended for personal services in the District of Columbia.

Refunding internal-revenue collections: For refunding internal-revenue collections, as provided by law, including the payment of claims for the fiscal year 1941 and prior years and accounts arising under "Allowance or draw-back (Internal Revenue)", "Redemption of stamps (Internal Revenue)", "Refunding legacy taxes, Act of

Acquisition of property.

40 U. S. C., Supp. V, §§ 304f-304m.

Vehicles.

Printing and binding.

Personal services.

Provisos.
Officers attending trials, etc.

Post, pp. 204, 209.

Detection and prosecution of violations.

Refund of processing, etc., taxes.
49 Stat. 1734.
26 U. S. C., Supp. V, §§ 700-705.

49 Stat. 1739, 1747.
7 U. S. C., Supp. V, §§ 641-643; 644-659.
Refunds under Cotton, Tobacco, and Potato Acts.

52 Stat. 1150.
Administrative expenses.

Printing and binding.
Witness fees and mileage.

Personal services.

Refunds of internal-revenue collections.

45 Stat. 398.

Proviso.
Report to Congress.

45 Stat. 996; 53 Stat.
466.
26 U. S. C., Supp. V,
§ 3776.

Refunds and pay-
ments of processing,
etc., taxes.
49 Stat. 1739, 1747.
7 U. S. C., Supp. V,
§§ 641-643; 644-659.
7 U. S. C. §§ 701-725;
751-766; Supp. V, §§
701-723, 725; 751-766;
801-833.

Redemption of tax
stamps, continuance
of funds.

53 Stat. 662.

Alaska railroads, ad-
ditional income tax.

March 30, 1928", and "Repayment of taxes on distilled spirits destroyed by casualty", \$42,000,000: *Provided*, That a report shall be made to Congress by internal-revenue districts and alphabetically arranged of all disbursements hereunder in excess of \$500 as required by section 3 of the Act of May 29, 1928 (sec. 3776, I. R. C.), including the names of all persons and corporations to whom such payments are made, together with the amount paid to each.

Refunds and payments of processing and related taxes: For refunds and payments of processing and related taxes as authorized by titles IV and VII, Revenue Act of 1936, as amended; for refunds of taxes collected (including penalties and interest) under the Cotton Act of April 21, 1934, as amended (48 Stat. 598), the Tobacco Act of June 28, 1934, as amended (48 Stat. 1275), and the Potato Act of August 24, 1935 (49 Stat. 782), in accordance with the Second Deficiency Appropriation Act, fiscal year 1938 (52 Stat. 1150), as amended, and as otherwise authorized by law; and for redemption of tax stamps purchased under the aforesaid Tobacco and Potato Acts, there is hereby continued available during the fiscal year 1941, the unexpended balance of the funds made available to the Treasury Department for these purposes for the fiscal year 1940 by the Treasury Department Appropriation Act, 1940.

Additional income tax on railroads in Alaska: For the payment to the Treasurer of Alaska of an amount equal to the tax of 1 per centum collected on the gross annual income of all railroad corporations doing business in Alaska, on business done in Alaska, which tax is in addition to the normal income tax collected from such corporations on net income, and the amount of such additional tax to be applicable to general Territorial purposes, \$11,900.

Ante, p. 56.

UNITED STATES PROCESSING TAX BOARD OF REVIEW

Salaries and ex-
penses.
49 Stat. 1748.
7 U. S. C., Supp. V,
§ 643.

49 Stat. 1747.
7 U. S. C., Supp. V,
§§ 644-659.

Printing and bind-
ing.

Salaries and expenses: For salaries and expenses of the Board of Review established by section 906 of the Revenue Act of 1936 for review of the disallowance by the Commissioner of Internal Revenue of claims for refund of processing taxes filed under title VII, Revenue Act of 1936, as amended, including personal services and rent in the District of Columbia and elsewhere, stationery and office supplies, equipment, furniture, mechanical devices, law books and books of reference, press releases, trade journals, periodicals and newspapers, contract reporting services, telegraph and telephone services, postage, freight, express, printing and binding, notarial fees, travel expenses, and such other miscellaneous expenses as may be authorized or approved by the Secretary of the Treasury for the work of this Board, \$145,000.

Ante, p. 56.

FEDERAL ALCOHOL ADMINISTRATION

Salaries and ex-
penses.

49 Stat. 977.
27 U. S. C., Supp. V,
§§ 201-212.

Securing of evidence
of violations.

Salaries and expenses: For the purpose of administering the provisions of the "Federal Alcohol Administration Act", approved August 29, 1935 (27 U. S. C. 201), as amended, including personal and other services; supplies and materials; equipment; communication service; stationery; travel and subsistence expenses as authorized by law; maintenance, repair, and operation of automobiles; law books, books of reference, magazines, periodicals, and newspapers; contract stenographic reporting service; the securing of evidence of violations of the Act; and miscellaneous and contingent expenses, \$415,000.

BUREAU OF NARCOTICS

Salaries and expenses: For expenses to enforce the Act of December 17, 1914 (26 U. S. C. 1383-1391), as amended by the Revenue Act of 1918 (26 U. S. C. 1040-1064), the Narcotic Drugs Import and Export Act, as amended (21 U. S. C. 171-184), and the Marihuana Tax Act of 1937 (26 U. S. C. 1399-1399q); pursuant to the Act of March 3, 1927 (5 U. S. C. 281c), and the Act of June 14, 1930 (5 U. S. C. 282-282c), including the employment of executive officers, attorneys, agents, inspectors, chemists, supervisors, clerks, messengers, and other necessary employees in the field and in the Bureau of Narcotics in the District of Columbia, to be appointed as authorized by law; the securing of information and evidence of violations of the Acts; the costs of chemical analyses made by others than employees of the United States; the transportation of household and other personal effects incident to the change of headquarters of all employees engaged in field activities, not to exceed five thousand pounds in any one case, together with the necessary expenses incident to packing, crating, boxing, and draying same; the purchase of such supplies, equipment, mechanical devices, books, and such other expenditures as may be necessary in the several field offices; cost incurred by officers and employees of the Bureau of Narcotics in the seizure, storage, and disposition of property under the internal-revenue laws when the same is disposed of under section 3460, Revised Statutes (26 U. S. C. 1624); purchase (not to exceed \$10,000), exchange, hire, maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary for official use in field work; purchase of arms and ammunition, and for rental of necessary quarters in the District of Columbia and elsewhere; in all, \$1,304,600, of which amount not to exceed \$195,000 may be expended for personal services in the District of Columbia: *Provided*, That the Secretary of the Treasury may authorize the use by narcotic agents of motor vehicles confiscated under the provisions of the Act of August 27, 1935 (27 U. S. C. 157), and to pay the cost of acquisition, maintenance, repair, and operation thereof: *Provided further*, That not exceeding \$10,000 may be expended for the collection and dissemination of information and appeal for law observance and law enforcement, including cost of printing, purchase of newspapers, and other necessary expenses in connection therewith and not exceeding \$1,500 for attendance at meetings concerned with the work of the Bureau of Narcotics: *Provided further*, That not exceeding \$10,000 may be expended for services or information looking toward the apprehension of narcotic law violators who are fugitives from justice: *Provided further*, That moneys expended from this appropriation for the purchase of narcotics including marihuana, and subsequently recovered shall be reimbursed to the appropriation for enforcement of the Narcotic Acts current at the time of the deposit.

COAST GUARD

Office of Commandant: For personal services in the District of Columbia, \$619,260 (composed of "A" item, \$557,940, and "B" item, \$61,320): *Provided*, That no part of any appropriation contained in this Act shall be used to pay any enlisted man of the Coast Guard while detailed for duty at Coast Guard headquarters if such detail increases the total number of enlisted men detailed on such duty at any time above fourteen.

Salaries and expenses.

38 Stat. 785.
26 U. S. C., Supp. V,
§§ 3220-3228.
40 Stat. 1057.
26 U. S. C., Supp. V,
§§ 2550-2571, 2606.
35 Stat. 614.
31 U. S. C., Supp. V,
§§ 529a-g.
50 Stat. 551.
26 U. S. C., Supp. V,
§§ 2590-2604.
44 Stat. 1382.
46 Stat. 585.

Transportation of personal effects.

Seizures, etc.

Vehicles.

Rent.

Personal services.

Provisos.
Use of confiscated vehicles.

49 Stat. 874.
27 U. S. C., Supp. V,
§ 157.
Law observance.

Apprehension of narcotic law violators.

Reimbursement.

Personal services.
Post, pp. 600, 1045.

Proviso.
Details at headquarters, restriction.

Pay and allowances.
Post, pp. 66, 600,
1045.

Retired members of
former Life Saving
Service.
46 Stat. 164.

Cash prizes.

Death allowances.
41 Stat. 824.

Traveling expenses.

43 Stat. 1261.

Recruiting.

Post, pp. 600, 1045.

Provisos.
Increased pay for
aerial flights.

Commutation of rations,
payments.

General expenses.
Post, pp. 600, 1046.

Vehicles.

Shore stations.

Beacons, etc.
Lake St. Clair,
Mich., station.

Vessels, etc., repairs.

Forfeited vessels,
operation, etc.

Pay and allowances: For pay and allowances prescribed by law for commissioned officers, cadets, warrant officers, petty officers, and other enlisted men, active and retired, temporary cooks, surfmen, substitute surfmen, and three civilian instructors, retired pay for certain members of the former Life Saving Service authorized by the Act approved April 14, 1930 (14 U. S. C. 178a), and not exceeding \$10,000 (composed of "A" item, \$8,000, and "B" item, \$2,000) for cash prizes for men for excellence in boatmanship, gunnery, target practice, and engineering competitions; for carrying out the provisions of the Act of June 4, 1920 (34 U. S. C. 943); not to exceed \$10,000 for cost of special instruction, including maintenance of students; rations or commutation thereof for cadets, petty officers, and other enlisted men, mileage and expenses allowed by law for officers; and traveling expenses of other persons traveling on duty under orders from the Treasury Department, including transportation of cadets, enlisted men, and applicants for enlistment, with subsistence and transfers en route, or cash in lieu thereof, and traveling expenses for the examinations authorized by the Act entitled "An Act to provide for retirement for disability in the Lighthouse Service", approved March 4, 1925 (33 U. S. C. 765); expenses of recruiting for the Coast Guard, rent of rendezvous, and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen and applicants for appointment as cadets; transportation and packing allowances for baggage or household effects of commissioned officers, warrant officers, and enlisted men; and including not to exceed \$32,000 (composed of "A" item, \$23,000, and "B" item, \$9,000) for the recreation, education, amusement, comfort, contentment, and health of the enlisted men of the Coast Guard, to be expended in the discretion of the Secretary of the Treasury, \$22,204,335 (composed of "A" item, \$19,510,000, and "B" item, \$2,694,335): *Provided*, That no part of this appropriation shall be used for increased pay at a rate in excess of \$1,440 per annum to any nonflying commissioned officer or commissioned officer observer for making aerial flights; which rate shall be the legal maximum rate of such increased pay as to any such officer: *Provided further*, That money accruing from commutation of rations of enlisted men commuted for the benefit of any mess may be paid on proper voucher to the officer in charge of such mess;

General expenses, Coast Guard: For fuel, lubricating oil, illuminants, kerosene, and water; the furnishing of heat, light, and power (service) for vessels, shore stations, depots and offices; outfits, including necessary supplies and equipment, medals, newspapers, technical books and periodicals, and library books for shore stations and vessels; rental of mechanical accounting machinery and other equipment; repairs to portable equipment at shore units; ship chandlery, engineers' stores, draft animals and their maintenance; purchase (not to exceed \$5,000), exchange, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles for official use at headquarters and in the field; the rebuilding, repairing, maintenance, and incidental expenses of shore stations, including lighthouses, lights, beacons, and other fixed aids to navigation, radio stations, depots and offices; temporary leases and rentals; improvement of property for Coast Guard purposes, including rental or use of additional land where necessary and the purchase of land for beacons, day marks, and fog signals; not to exceed \$100,000 for the acquisition of a site and commencement of construction of the station authorized by the Act approved June 29, 1936 (49 Stat. 2031); repairs to Coast Guard vessels, boats, and aircraft, including cost of salvage operations when incident to the repair thereof; repair, maintenance, and operation of vessels forfeited to the United States and delivered to the Treasury Department under the terms of

the Act approved March 3, 1925 (27 U. S. C. 41); coastal communication lines and facilities and their maintenance, and communication service; establishment, maintenance, repair, and improvement of post lights, buoys, submarine signals, fog signals, beacons, day marks, and other aids to navigation; construction of necessary outbuildings, including oil houses at light stations, at a cost not exceeding \$2,500 at any one light station in any fiscal year; wages of persons attending post lights; temporary employees and field force while engaged on works of general repair and maintenance, and laborers and mechanics at light-house depots; rations and provisions, or commutation thereof, for working parties in the field, officers and crews of light vessels and tenders, and officials and other authorized persons of the Coast Guard on duty on board of such tenders or vessels, but money accruing from commutation of rations and provisions for the above-named persons on board tenders and light vessels or in working parties in the field may be paid on proper voucher to the person having charge of the mess of such vessel or party; not exceeding \$3,500 for packing, crating, and transporting personal household effects of employees, not to exceed six thousand pounds in any one case, when transferred from one official station to another for permanent duty; purchase of rubber boots, oilskins, rubber gloves, goggles, and coats, caps, and aprons for steward's department on vessels; fuel, light, and rent of quarters where necessary for keepers of lighthouses; traveling expenses of teachers while actually employed by States or private persons to instruct the children of keepers of lighthouses; not to exceed \$1,500 for traveling expenses of new appointees from ports of embarkation in the United States to first post of duty at isolated light stations in districts outside the continental limits of the United States, and not to exceed \$2,500 for the transportation of the children of lighthouse keepers at isolated light stations where necessary to enable such children to attend school, as authorized by the Act of May 13, 1938 (52 Stat. 353); necessary traveling expenses of lighthouse keepers at isolated stations incurred in obtaining medical attention as authorized by the Act of February 25, 1929 (45 Stat. 1261); purchase of provisions for sale to Coast Guard personnel at isolated stations, and the appropriation reimbursed; contingent expenses, including subsistence and clothing for shipwrecked and destitute persons succored by the Coast Guard, and including reimbursement, under rules prescribed by the Secretary of the Treasury, of Coast Guard personnel who furnish from their personal stock subsistence and clothing to such persons; subsistence of prisoners while in the custody of the Coast Guard; instruments, apparatus, and services necessary to the carrying on of scientific investigation, and not to exceed \$4,000 for experimental and research work; motion-picture equipment (not to exceed \$30,000) and material for official purposes; care, transportation, and burial of deceased officers and enlisted men, including those who die in Government hospitals; apprehension of deserters; wharfage, towage, freight, storage, advertising, surveys, entrance fees in matches for the rifle team and special equipment therefor; not to exceed \$2,500 for contingencies for the Superintendent, United States Coast Guard Academy, to be expended in his discretion; payment of rewards for the apprehension and conviction, or for information helpful to the apprehension and conviction, of persons found interfering, in violation of section 6 of the Act of May 14, 1908 (33 U. S. C. 761), with aids to navigation maintained by the Coast Guard; and all other necessary expenses which are not included under any other heading, \$11,260,000 (composed of "A" item, \$10,225,000, and "B" item, \$1,035,000);

Civilian employees, Coast Guard: For compensation of civilian employees in the field, including per diem labor, but excluding per-

43 Stat. 1116.
19 U. S. C. §§ 522-524; Supp. V, §§ 522-524.
Communication lines, etc.
Aids to navigation.

Light vessels and tenders.

Traveling expenses.

33 U. S. C., Supp. V, § 748a.

33 U. S. C. § 747b.
Provisions for sale, isolated stations.
Contingent expenses.

Subsistence of prisoners.

Burial expenses.

Rifle matches.

Coast Guard Academy, contingencies.

Payment of rewards.

35 Stat. 162.

Civilian field employees.

Additional air- planes.	sonnel provided for in the appropriation "General expenses, Coast Guard", \$4,896,440 ("A" item);
Special projects, etc.	Additional airplanes: For additional airplanes and their equipment, including radio equipment, spare parts, and accessories, to be constructed or purchased in the discretion of the Secretary of the Treasury, \$500,000 ("B" item), to remain available until June 30, 1942;
Aids to navigation, etc.	Special projects, vessels, and aids to navigation: For constructing or purchasing and equipping lighthouse tenders and light vessels for the Coast Guard, not to exceed \$600,000; and for establishing and improving aids to navigation and other works, not to exceed \$500,000, of which \$8,000 shall be available for establishing buoys and lights on the American side of the international waters of Lake of the Woods and Rainy Lake; in all, \$1,100,000 ("A" item), which sum shall be available for all expenditures directly relating to the respective projects;
Retired members of former Lighthouse Service, etc.	Retired pay, former Lighthouse Service, Coast Guard: For retired pay of certain officers and employees entitled thereto by virtue of former employment in the Lighthouse Service engaged in the field service or on vessels of the Coast Guard, except persons continuously employed in district offices and shops, \$885,000 ("A" item);
Aviation shore sta- tions, restrictions.	No part of the appropriations contained in this Act under the Coast Guard, nor of any appropriation heretofore made, shall be used for the construction for the Coast Guard of any new permanent aviation shore station or for the permanent enlargement of the capacity of any existing aviation shore station, but this limitation shall not apply to expenditures for completion of construction for which funds were made available by the Second Deficiency Appropriation Act, fiscal year 1938, or by the First Deficiency Appropriation Act, fiscal year 1940;
Exceptions.	Wherever during the fiscal year 1941, civilian employees of the Coast Guard are replaced by military personnel, as provided in the Act of August 5, 1939 (Public, Numbered 291, Seventy-sixth Congress), funds for the pay and allowances of such military personnel may be transferred, with the approval of the Director of the Bureau of the Budget, from the appropriation or appropriations which provide for the pay of such civilian personnel to the appropriation "Pay and Allowances, Coast Guard";
52 Stat. 1151. Post, p. 91.	Total, Coast Guard, exclusive of Office of Commandant, \$40,845,775 (composed of "A" item, \$36,616,440, and "B" item, \$4,229,335): <i>Provided</i> , That not more than a total of \$2,422,498 (composed of "A" item, \$2,328,098, and "B" item, \$94,400) out of the appropriations contained in this Act under the caption "Coast Guard" except the appropriations "Salaries, Office of Commandant" and "Additional airplanes" may be expended for aviation.
Replacement of ci- vilians by military personnel. 53 Stat. 1216, 14 U. S. C., Supp. V, § 10f.	When used herein under the heading "Coast Guard", the words in parentheses ("A" item) and ("B" item) shall mean, respectively, "amounts for or relating to regular activities" and "amounts for or relating to activities pursuant to Executive Order Numbered 8254, dated September 18, 1939"; but such designations when combined for an appropriation or an amount limitation shall not be deemed to require separate administrative or fund accounting for each designation.
Ante, p. 64.	
Proviso. Aviation expendi- ture.	BUREAU OF ENGRAVING AND PRINTING
Designations de- fined.	For the work of engraving and printing, exclusive of repay work, during the fiscal year 1941, United States currency and internal-revenue stamps, including opium orders and special-tax stamps
Accounting.	
Work authorized.	

required under the Act of December 17, 1914 (26 U. S. C. 1040, 1383), checks, drafts, and miscellaneous work, as follows:

Salaries and expenses: For the Director, two Assistant Directors, and other personal services in the District of Columbia, including wages of rotary press plate printers at per diem rates and all other plate printers at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work; for engravers' and printers' materials and other materials, including distinctive and nondistinctive paper, except distinctive paper for United States currency and Federal Reserve bank currency; equipment of, repairs to, and maintenance of buildings and grounds and for minor alterations to buildings; directories, technical books and periodicals, examples of engraving and printing, including foreign securities and stamps, and books of reference, not exceeding \$500; traveling expenses not to exceed \$2,000; miscellaneous expenses, including not to exceed \$1,500 for articles approved by the Secretary of the Treasury as being necessary for the protection of the person of employees; for transfer to the Bureau of Standards for scientific investigations in connection with the work of the Bureau of Engraving and Printing, not to exceed \$15,000; and for the maintenance and driving of two motor-propelled passenger-carrying vehicles; \$8,450,000, to be expended under the direction of the Secretary of the Treasury.

During the fiscal year 1941 all proceeds derived from work performed by the Bureau of Engraving and Printing, by direction of the Secretary of the Treasury, not covered and embraced in the appropriation for such Bureau for such fiscal year, instead of being covered into the Treasury as miscellaneous receipts, as provided by the Act of August 4, 1886 (31 U. S. C. 176), shall be credited when received to the appropriation for such Bureau for the fiscal year 1941.

SECRET SERVICE DIVISION

Salaries: For the Chief of the Division and other personal services in the District of Columbia, \$65,000.

Suppressing counterfeiting and other crimes: For salaries and other expenses under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal or other officer having jurisdiction, dealers and pretended dealers in counterfeit money, persons engaged in counterfeiting, forging, and altering United States notes, bonds, national-bank notes, Federal Reserve notes, Federal Reserve bank notes, and other obligations and securities of the United States and of foreign governments (including endorsements thereon and assignments thereof), as well as the coins of the United States and of foreign governments, and persons committing other crimes against the laws of the United States relating to the Treasury Department and the several branches of the public service under its control; purchase (not to exceed \$15,000), exchange, hire, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles when necessary; purchase of arms and ammunition; traveling expenses; and for no other purpose whatsoever, except in the performance of other duties specifically authorized by law, and in the protection of the person of the President and the members of his immediate family and of the person chosen to be President of the United States, \$855,500: *Provided*, That no part of the amount herein appropriated shall be used in defraying the expenses of any person subpoenaed by the United States courts to attend any trial before a United States

38 Stat. 785,
26 U. S. C., Supp. V,
§§ 2550, 3220.
Salaries and ex-
penses.

Materials, etc.

Reference books, etc.

Scientific investiga-
tions.

Vehicles.

Credit of proceeds
from work.

24 Stat. 227.

Salaries.

Suppressing coun-
terfeiting, etc.
Post, p. 654.

Vehicles.

Protection of the
President, etc.

Provisos.
Witness fees.

Post, pp. 204, 209.

Information con-
cerning law violations.

White House police.
Post, pp. 156, 554.

Uniforms and equip-
ment.
Post, p. 654.

court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses and jurors, United States courts": *Provided further*, That of the amount herein appropriated not to exceed \$15,000 may be expended in the discretion of the Secretary of the Treasury for the purpose of securing information concerning violations of the laws relating to the Treasury Department, and for services or information looking toward the apprehension of criminals.

White House police: Captain, lieutenant, three sergeants, and for fifty-five privates, at rates of pay provided by law; in all, \$146,900.

For uniforming and equipping the White House Police, including the purchase, issue, and repair of revolvers, and the purchase and issue of ammunition and miscellaneous supplies, to be procured in such manner as the President in his discretion may determine, \$4,500.

BUREAU OF THE MINT

OFFICE OF DIRECTOR OF THE MINT

Salaries.
Post, p. 1046.

Transportation of
bullion and coin.
Post, p. 654.

Contingent ex-
penses, etc.
Post, p. 1046.

Mints and assay
offices.
Salaries and ex-
penses.
Post, p. 1046.

Expenses, Gold Re-
serve and Silver Pur-
chase Acts, 1934.
48 Stat. 337, 1178.
31 U. S. C. §§ 440-
446; 448-448c; Supp.
V, §§ 441, 444.

Protective devices.

Motorbusses.

Annual assay com-
mission.
Specimen and rare
coins, acquisition.

Method of manu-
facturing coin, experi-
ment.

Salaries: For the Director of the Mint and other personal services in the District of Columbia, \$108,500.

Transportation of bullion and coin: For transportation of bullion and coin, by registered mail or otherwise, between mints, assay offices, and bullion depositories, \$215,000, including compensation of temporary employees and other necessary expenses incident thereto; and there is hereby continued available during the fiscal year 1941 not to exceed \$100,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1940.

Contingent expenses and examination of mints: For assay laboratory chemicals, fuel, materials, balances, weights, and other necessities, including books, periodicals, specimens of coins, ores, and incidentals, for rent in the District of Columbia, and for examination of mints, expense in visiting mints for the purpose of superintending the annual settlements, and for special examinations and for the collection of statistics relative to the annual production and consumption of the precious metals in the United States, \$14,500.

Salaries and expenses, mints and assay offices: For compensation of officers and employees of the mints at Philadelphia, Pennsylvania, San Francisco, California, Denver, Colorado, and New Orleans, Louisiana, the assay offices at New York, New York, and Seattle, Washington, and the bullion depositories at Fort Knox, Kentucky, and West Point, New York, including necessary personal services for carrying out the provisions of the Gold Reserve Act of 1934 and the Silver Purchase Act of 1934, and any Executive orders, proclamations and regulations issued thereunder, and for incidental and contingent expenses, including traveling expenses, new machinery, and repairs, arms, and ammunition, uniforms and accessories for guards, protective devices and their maintenance, training of employees in use of firearms and protective devices, maintenance, repair, and operation of two motorbusses for use at the Fort Knox Bullion Depository, cases and enameling for medals manufactured, net wastage in melting and refining and in coining departments, loss on sale of sweeps arising from the treatment of bullion and the manufacture of coins, not to exceed \$500 for the expenses of the annual assay commission, not exceeding \$1,000 for the acquisition, at the dollar face amount or otherwise, of specimen and rare coins, including United States and foreign gold coins and pieces of gold used as, or in lieu of, money, and ores, for addition to the Government's collection of such coins, pieces and ores, not to exceed \$39,185 for continuing an experiment to develop a more economical

and efficient method of manufacturing coin including the purchase of necessary equipment and materials, the reimbursement to other Government agencies for labor and materials furnished, and salaries and traveling expenses, including subsistence, of technical assistants who may be temporarily employed without regard to civil-service laws and regulations, \$2,282,540.

PROCUREMENT DIVISION

Salaries and expenses: For the Director of Procurement and other personal services in the District of Columbia and in the field service, and for miscellaneous expenses, including office supplies and materials, purchase and exchange of motortrucks and maintenance thereof, telegrams, telephone service, traveling expenses, office equipment, fuel, light, electric current, and other expenses for carrying into effect regulations governing the procurement, warehousing, and distribution by the Procurement Division of the Treasury Department of property, equipment, stores, and supplies in the District of Columbia and in the field (including not to exceed \$500 to settle claims for damages caused to private property by motor vehicles used by the Procurement Division), \$688,973: *Provided*, That the Secretary of the Treasury is authorized and directed during the fiscal year 1941 to transfer to this appropriation from any appropriations or funds available to the several departments and establishments of the Government for the fiscal year 1941 such amounts as may be approved by the Director of the Bureau of the Budget, not to exceed the sum of (a) the amount of the annual compensation of employees who may be transferred or detailed to the Procurement Division, respectively, from any such department or establishment, where the transfer or detail of such employees is incident to a transfer of a function or functions to that Division and (b) such amount as the Director of the Bureau of the Budget may determine to be necessary for expenses other than personal services incident to the proper carrying out of functions so transferred: *Provided further*, That payments during the fiscal year 1941 to the general supply fund for materials, and supplies (including fuel), and services, and overhead expenses for all issues shall be made on the books of the Treasury Department by transfer and counterwarrants prepared by the Procurement Division of the Treasury Department and countersigned by the Comptroller General, such warrants to be based solely on itemized invoices prepared by the Procurement Division at issue prices to be fixed by the Director of Procurement: *Provided further*, That advances received pursuant to law (31 U. S. C. 686) from departments and establishments of the United States Government and the government of the District of Columbia during the fiscal year 1941 shall be credited to the general supply fund: *Provided further*, That not to exceed \$1,000,000 shall be available from the general supply fund during the fiscal year 1941 for personal services: *Provided further*, That the term "fuel" shall be held to include "fuel oil": *Provided further*, That the requirements of sections 3711 and 3713 of the Revised Statutes (40 U. S. C. 109) relative to the weighing of coal and wood and the separate certificate as to the weight, measurement, or quantity of coal and wood purchased shall not apply to purchases by the Procurement Division at free-on-board destination outside of the District of Columbia: *Provided further*, That the reconditioning and repair of surplus property and equipment, for disposition or reissue to Government service, may be made at cost by the Procurement Division, payment therefor to be effected by charging the proper appropriation and crediting the appropriation "Salaries and expenses, Procurement Division".

Technical assistants.

Ante, p. 56.

Salaries and expenses.

Damage claims.

Provisos.
Transfer of funds for pay of details, etc.

Other expenses.

Payments for supplies, services, etc.

Advances, credit of.
47 Stat. 417.
31 U. S. C., Supp. V,
§ 686.

Personal services.

"Fuel" construed.
Separate certificate waived.

Reconditioning, cost; accounting.

Repairs to typewriting machines.

Repairs to typewriting machines (except bookkeeping and billing machines) in the Government service in the District of Columbia may be made at cost by the Procurement Division, payment therefor to be effected by charging the proper appropriation and crediting the appropriation "Salaries and expenses, Procurement Division".

Price of standard machines.

No part of any money appropriated by this or any other Act shall be used during the fiscal year 1941 for the purchase of any standard typewriting machines, except bookkeeping and billing machines, at a price in excess of the following for models with carriages which will accommodate paper of the following widths, to wit: Ten inches (correspondence models), \$70; twelve inches, \$75; fourteen inches, \$77.50; sixteen inches, \$82.50; eighteen inches, \$87.50; twenty inches, \$94; twenty-two inches, \$95; twenty-four inches, \$97.50; twenty-six inches, \$103.50; twenty-eight inches, \$104; thirty inches, \$105; thirty-two inches, \$107.50; or, for standard typewriting machines distinctively quiet in operation, the maximum prices shall be as follows for models with carriages which will accommodate paper of the following widths, to wit: Ten inches, \$80; twelve inches, \$85; fourteen inches, \$90; eighteen inches, \$95.

Strategic and critical materials.
Post, p. 600.

53 Stat. 811.
50 U. S. C., Supp. V,
§§ 98-98e.

Strategic and critical materials: For all necessary expenses for the acquisition, transportation, maintenance, storage, and rotation of strategic and critical materials in accordance with sections 1 to 6, inclusive, of the Act of June 7, 1939 (Public, Numbered 117, Seventy-sixth Congress), including personal services and rental and maintenance of storage space in the District of Columbia and elsewhere; payment of part-time or intermittent employment in the District of Columbia, or elsewhere, of such scientists and technicians as may be contracted for by the Secretary of the Treasury, in his discretion, at a rate of pay not exceeding \$25 per diem for any person so employed; printing and binding; and traveling expenses; \$12,500,000, to continue available until expended, and of which amount \$3,000,000 shall be immediately available: *Provided*, That when, in order to prevent deterioration, materials purchased with funds from this appropriation are issued to other departments and agencies of the Government, or sold, reimbursement therefor or the proceeds of such sale shall be credited to this appropriation.

Scientists, etc.

Printing and binding.

Proviso.
Credits for materials issued.

Citation of title.

This title may be cited as the "Treasury Department Appropriation Act 1941".

TITLE II—POST OFFICE DEPARTMENT

Post Office Department Appropriation Act, 1941.
5 Stat. 80.

The following sums are appropriated in conformity with the Act of July 2, 1836 (5 U. S. C. 380, 39 U. S. C. 786), for the Post Office Department for the fiscal year ending June 30, 1941, namely:

POST OFFICE DEPARTMENT, WASHINGTON, DISTRICT OF COLUMBIA OFFICE OF THE POSTMASTER GENERAL

Salaries.

Salaries: For the Postmaster General and other personal services in the office of the Postmaster General in the District of Columbia, \$228,344.

SALARIES IN BUREAUS AND OFFICES

Salaries in bureaus and offices.

For personal services in the District of Columbia in bureaus and offices of the Post Office Department in not to exceed the following amounts, respectively:

Office of the First Assistant Postmaster General, \$391,420.

Office of the Second Assistant Postmaster General, \$587,600.

Office of the Third Assistant Postmaster General, \$798,560.
 Office of the Fourth Assistant Postmaster General, \$474,240.
 Office of the Solicitor for the Post Office Department, \$111,300.
 Office of the chief inspector, \$237,000.
 Office of the purchasing agent, \$47,240.
 Bureau of Accounts, \$114,120.

Post, p. 1044.

CONTINGENT EXPENSES, POST OFFICE DEPARTMENT

For contingent and miscellaneous expenses; stationery and blank books, index and guide cards, folders and binding devices, including purchase of free penalty envelopes; telegraph and telephone service, furniture and filing cabinets and repairs thereto; purchase, exchange, maintenance, and repair of tools, electrical supplies, typewriters, adding machines, and other labor-saving devices; maintenance of motortrucks and of two motor-driven passenger-carrying vehicles, to be used only for official purposes (one for the Postmaster General and one for the general use of the Department); streetcar fares; floor coverings; postage stamps for correspondence addressed abroad, which is not exempt under article 49 of the Cairo convention of the Universal Postal Union; purchase and exchange of law books, books of reference, railway guides, city directories, and books necessary to conduct the business of the Department; newspapers, not exceeding \$200; expenses, except membership fees, of attendance at meetings or conventions concerned with postal affairs, when incurred on the written authority of the Postmaster General, not exceeding \$2,000; expenses of the purchasing agent and of the Solicitor and attorneys connected with his office while traveling on business of the Department, not exceeding \$800; and other expenses not otherwise provided for; \$84,388.

Department contingent expenses.

Vehicles.

Correspondence addressed abroad,
49 Stat. 2768.

For printing and binding for the Post Office Department, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, \$850,000.

Printing and binding.

Appropriations hereinafter made for the field service of the Post Office Department, except as otherwise provided, shall not be expended for any of the purposes hereinbefore provided for on account of the Post Office Department in the District of Columbia: *Provided*, That the actual and necessary expenses of officials and employees of the Post Office Department and Postal Service, when traveling on official business, may continue to be paid from the appropriations for the service in connection with which the travel is performed, and appropriations for the fiscal year 1941 of the character heretofore used for such purposes shall be available therefor: *Provided further*, That appropriations hereinafter made, except such as are exclusively for payment of compensation, shall be immediately available for expenses in connection with the examination of estimates for appropriations in the field including per diem allowances in lieu of actual expenses of subsistence.

Field service appropriations, use restricted.

Provisos.
Travel expenses.

Examination of estimates for field expenses.

FIELD SERVICE, POST OFFICE DEPARTMENT

OFFICE OF THE POSTMASTER GENERAL

Travel expenses, Postmaster General and Assistant Postmasters General: For travel and miscellaneous expenses in the Postal Service, offices of the Postmaster General and Assistant Postmasters General, \$3,000.

Travel, etc., expenses.

Damage claims.	Personal or property damage claims: To enable the Postmaster General to pay claims for damages, occurring during the fiscal year 1941, or in prior fiscal years, to persons or property in accordance with the provisions of the Deficiency Appropriation Act, approved June 16, 1921 (5 U. S. C. 392), as amended by the Act approved June 22, 1934 (48 Stat. 1207), \$45,000.
42 Stat. 63.	
Adjusted losses and contingencies.	Adjusted losses and contingencies: To enable the Postmaster General to pay to postmasters, Navy mail clerks, and assistant Navy mail clerks or credit them with the amount ascertained to have been lost or destroyed during the fiscal year 1941, or prior fiscal years, through burglary, fire, or other unavoidable casualty resulting from no fault or negligence on their part, as authorized by the Act approved March 17, 1882, as amended, \$90,000.
22 Stat. 29. 39 U. S. C. § 49; Supp. V, § 49.	

OFFICE OF CHIEF INSPECTOR

Inspectors, salaries.	Salaries of inspectors: For salaries of fifteen inspectors in charge of divisions and six hundred inspectors, \$2,349,500.
Traveling and miscellaneous expenses.	Traveling and miscellaneous expenses: For traveling expenses of inspectors, inspectors in charge, the chief post-office inspector, and the assistant chief post-office inspector, and for the traveling expenses of four clerks performing stenographic and clerical assistance to post-office inspectors in the investigation of important fraud cases; for tests, exhibits, documents, photographs, office, and other necessary expenses incurred by post-office inspectors in connection with their official investigations, including necessary miscellaneous expenses of division headquarters, and not to exceed \$500 for technical and scientific books and other books of reference needed in the operation of the Post Office Inspection Service, \$637,000: <i>Provided</i> , That not exceeding \$28,000 of this sum shall be available for transfer by the Postmaster General to other departments and independent establishments for chemical and other investigations.
<i>Proviso</i> . Chemical, etc., investigations.	
Clerks, division headquarters.	Clerks, division headquarters: For compensation of one hundred and ninety-four clerks at division headquarters of post-office inspectors, \$480,000.
Payment of rewards.	Payment of rewards: For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, highway mail robbers, and persons mailing or causing to be mailed any bomb, infernal machine, or mechanical, chemical, or other device or composition which may ignite or explode, \$55,000: <i>Provided</i> , That rewards may be paid in the discretion of the Postmaster General, when an offender of the classes mentioned was killed in the act of committing the crime or in resisting lawful arrest: <i>Provided further</i> , That no part of this sum shall be used to pay any rewards at rates in excess of those specified in Post Office Department Order 9273, dated July 25, 1936: <i>Provided further</i> , That of the amount herein appropriated not to exceed \$20,000 may be expended in the discretion of the Postmaster General, for the purpose of securing information concerning violations of the postal laws and for services and information looking toward the apprehension of criminals.
<i>Provisos</i> . Death of offender.	
Rate limitation.	
Securing of information.	

OFFICE OF THE FIRST ASSISTANT POSTMASTER GENERAL

Compensation to postmasters.	Compensation to postmasters: For compensation to postmasters, including compensation as postmaster to persons who, pending the designation of an acting postmaster, assume and properly perform the duties of postmaster in the event of a vacancy in the office of postmaster of the third or fourth class, and for allowances for rent, light, fuel, and equipment to postmasters of the fourth class, \$49,650,000.
Assistant postmasters.	Compensation to assistant postmasters: For compensation to assistant postmasters at first- and second-class post offices, \$7,142,000.

Clerks, first- and second-class post offices: For compensation to clerks and employees at first- and second-class post offices, including auxiliary clerk hire at summer and winter post offices, printers, mechanics, skilled laborers, watchmen, messengers, laborers, and substitutes, \$205,900,000.

Clerks, contract stations: For compensation to clerks in charge of contract stations, \$1,600,000.

Separating mails: For separating mails at third- and fourth-class post offices, \$410,000.

Unusual conditions: For unusual conditions at post offices, \$75,000.

Clerks, third-class post offices: For allowances to third-class post offices to cover the cost of clerical services, \$8,000,000.

Miscellaneous items, first- and second-class post offices: For miscellaneous items necessary and incidental to the operation and protection of post offices of the first and second classes, and the business conducted in connection therewith, not provided for in other appropriations, \$1,750,000.

Village delivery service: For village delivery service in towns and villages having post offices of the second or third class, and in communities adjacent to cities having city delivery, \$1,675,000.

Detroit River service: For Detroit River postal service, \$11,460.

Carfare and bicycle allowance: For carfare and bicycle allowance, including special-delivery carfare, \$1,400,000.

City delivery carriers: For pay of letter carriers, City Delivery Service, \$143,480,000.

Special-delivery fees: For fees to special-delivery messengers, \$8,700,000.

Domestic Air Mail Service: For the inland transportation of mail by aircraft, as authorized by law, and for the incidental expenses thereof, including not to exceed \$50,000 for supervisory officials and clerks at air-mail transfer points, travel expenses, and not to exceed \$63,000 for personal services in the District of Columbia, \$19,330,000.

Foreign air mail transportation: For transportation of foreign mails by aircraft, as authorized by law, \$16,074,149.

Clerks, first- and second-class offices.

Clerks, contract stations.

Separating mails.

Unusual conditions.

Clerks, third-class offices.

Miscellaneous, first- and second-class offices.

Village delivery service.

Detroit River service.

Carfare and bicycle allowance.

City delivery carriers.

Special-delivery fees.

Domestic Air Mail Service.
Post, pp. 649, 1044.

Foreign air mail transportation.
Post, p. 649.

OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL

Star-route service: For inland transportation by star routes (excepting service in Alaska) including temporary service to newly established offices, \$11,150,000.

Star-route service, Alaska: For inland transportation by star routes in Alaska, \$150,000.

Powerboat service: For inland transportation by steamboat or other powerboat routes, including ship, steamboat, and way letters, \$1,325,500.

Railroad transportation and mail messenger service: For inland transportation by railroad routes and for mail messenger service, \$107,000,000: *Provided*, That separate accounts be kept of the amount expended for mail messenger service: *Provided further*, That there may be expended from this appropriation for personal services in the District of Columbia not exceeding the sum of \$33,050 to carry out the provisions of section 214 of the Act of February 28, 1925 (39 U. S. C. 826) (cost ascertainment).

Railway Mail Service: For fifteen division superintendents, fifteen assistant division superintendents, one assistant superintendent at large, one hundred and twenty chief clerks, one hundred and twenty assistant chief clerks, clerks in charge of sections in the offices of division superintendents, railway postal clerks, substitute railway postal clerks, joint employees, and laborers in the Railway Mail Service, \$56,283,000.

Star-route service.

Alaska.

Powerboat service.

Railroad transportation, etc., service.

Proviso.
Messenger service, accounting.
Personal services, limitation.

43 Stat. 1069.

Railway Mail Service.
Division superintendents, etc.

Railway postal clerks, travel allowance.
Railway Mail Service, traveling expenses.

Railway postal clerks, travel allowance: For travel allowance to railway postal clerks and substitute railway postal clerks, \$3,250,000.

Railway Mail Service, traveling expenses: For actual and necessary expenses, general superintendent and assistant general superintendent, division superintendents, assistant division superintendents, assistant superintendents, chief clerks, and assistant chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post Office Department and away from their several designated headquarters, \$60,000.

Miscellaneous expenses.

Terminal offices, etc.

Railway Mail Service, miscellaneous expenses: For rent, light, heat, fuel, telegraph, miscellaneous and office expenses, telephone service, badges for railway postal clerks, rental of space for terminal railway post offices for the distribution of mails when the furnishing of space for such distribution cannot, under the Postal Laws and Regulations, properly be required of railroad companies without additional compensation, and for equipment and miscellaneous items necessary to terminal railway post offices, \$450,000.

Electric- and cable-car service.

Electric- and cable-car service: For electric- and cable-car service, \$230,000.

Foreign mail transportation; exception. *Post*, p. 649.
Proviso.
Sea post service.

Foreign mail transportation: For transportation of foreign mails, except by aircraft, \$2,670,000: *Provided*, That the Postmaster General is authorized to expend such sums as may be necessary, not to exceed \$70,000, to cover the cost to the United States for maintaining sea post service on ocean steamships conveying the mails to and from the United States.

Balances due foreign countries.

Balances due foreign countries: For balances due foreign countries, fiscal year 1941 and prior years, \$1,200,000.

Indemnities, international mail.

Indemnities, international mail: For payment of limited indemnity for the injury or loss of international mail in accordance with convention, treaty, or agreement stipulations, fiscal year 1941 and prior years, \$10,000.

Rural Delivery Service.

Rural Delivery Service: For pay of rural carriers, auxiliary carriers, substitutes for rural carriers on annual and sick leave, clerks in charge of rural stations, and tolls and ferriage, Rural Delivery Service, and for the incidental expenses thereof, \$91,840,000, of which not less than \$200,000 shall be available for extensions and new service.

OFFICE OF THE THIRD ASSISTANT POSTMASTER GENERAL

Stamps, stamped paper, postal cards, etc.

Manufacture and distribution of stamps and stamped paper: For manufacture of adhesive postage stamps, special-delivery stamps, books of stamps, stamped envelopes, newspaper wrappers, postal cards, and for coiling of stamps, and including not to exceed \$22,500 for pay of agent and assistants to examine and distribute stamped envelopes and newspaper wrappers, and for expenses of agency, \$4,500,000.

Indemnities, domestic mail.

Indemnities, domestic mail: For payment of limited indemnity for the injury or loss of pieces of domestic registered matter, insured and collect-on-delivery mail, and for failure to remit collect-on-delivery charges, \$522,500.

Unpaid money orders more than one year old.

Unpaid money orders more than one year old: For payment of domestic money orders after one year from the last day of the month of issue of such orders, \$190,000.

OFFICE OF THE FOURTH ASSISTANT POSTMASTER GENERAL

Stationery, etc.

Post office stationery, equipment, and supplies: For stationery for the Postal Service, including the money-order and registry system;

and also for the purchase of supplies for the Postal Savings System, including rubber stamps, canceling devices, certificates, envelopes, and stamps for use in evidencing deposits, and free penalty envelopes; and for the reimbursement of the Secretary of the Treasury for expenses incident to the preparation, issue, and registration of the bonds authorized by the Act of June 25, 1910 (39 U. S. C. 760); for miscellaneous equipment and supplies, including the purchase and repair of furniture, package boxes, posts, trucks, baskets, satchels, straps, letter-box paint, baling machines, perforating machines, duplicating machines, printing presses, directories, cleaning supplies, and the manufacture, repair, and exchange of equipment, the erection and painting of letter-box equipment, and for the purchase and repair of presses and dies for use in the manufacture of letter boxes; for postmarking, rating, money-order stamps, and electrotypes plates and repairs to same; metal, rubber, and combination type, dates and figures, type holders, ink pads for canceling and stamping purposes, and for the purchase, exchange, and repair of typewriting machines, envelope-opening machines, and computing machines, numbering machines, time recorders, letter balances, scales (exclusive of dormant or built-in platform scales in Federal buildings), test weights, and miscellaneous articles purchased and furnished directly to the Postal Service, including complete equipment and furniture for post offices in leased and rented quarters; for the purchase (including exchange), repair, and replacement of arms and miscellaneous items necessary for the protection of the mails; for miscellaneous expenses in the preparation and publication of post-route maps and rural delivery maps or blueprints, including tracing for photolithographic reproduction; for other expenditures necessary and incidental to post offices of the first, second, and third classes, and offices of the fourth class having or to have rural delivery service, and for letter boxes; for the purchase of atlases and geographical and technical works not to exceed \$1,500; for wrapping twine and tying devices (not more than three-fourths of the funds herein appropriated for the purchase of twine shall be expended in the purchase of twine manufactured from materials or commodities produced outside the United States); for expenses incident to the shipment of supplies, including hardware, boxing, packing, and not exceeding \$62,300 for the pay of employees in connection therewith in the District of Columbia; for rental, purchase, exchange, and repair of canceling machines and motors, mechanical mail-handling apparatus, accident prevention, and other labor-saving devices, including cost of power in rented buildings and miscellaneous expenses of installation and operation of same, including not to exceed \$35,000 for salaries of thirteen traveling mechanics, and for traveling expenses, \$3,150,000: *Provided*, That the Postmaster General may authorize the sale to the public of post-route maps and rural delivery maps or blueprints at the cost of printing and 10 per centum thereof added.

Equipment shops, Washington, District of Columbia: For the purchase, manufacture, and repair of mail bags and other mail containers and attachments, mail locks, keys, chains, tools, machinery, and material necessary for same, and for incidental expenses pertaining thereto; material, machinery, and tools necessary for the manufacture and repair of such other equipment for the Postal Service as may be deemed expedient; accident prevention; for the expenses of maintenance and repair of the mail bag equipment shops building and equipment, including fuel, light, power, and miscellaneous supplies and services; maintenance of grounds; for compensation to labor employed in the equipment shops and in the opera-

Postal Savings System, supplies.

Bond expenses.

36 Stat. 817.
39 U. S. C., Supp. V, § 760.
Miscellaneous equipment, etc.

Purchase, etc., of machines.

Furniture, etc., rented quarters.

Post-route maps, etc.

Twine and tying devices.

Personal services.

Traveling mechanics.
Provided.
Sale of maps, etc.

Equipment shops, materials, etc.

Personal services.	tion, care, maintenance, and protection of the equipment shops building, grounds, and equipment, \$1,100,000, of which not to exceed \$590,000 may be expended for personal services in the District of Columbia: <i>Provided</i> , That out of this appropriation the Postmaster General is authorized to use as much of the sum, not exceeding \$15,000, as may be deemed necessary for the purchase of material and the manufacture in the equipment shops of such small quantities of distinctive equipments as may be required by other executive departments; and for service in Alaska, Puerto Rico, Philippine Islands, Hawaii, or other island possessions.
<i>Proviso.</i> Distinctive equipments, manufacture.	
Rent, light, fuel, and water.	Rent, light, fuel, and water: For rent, light, fuel, and water, for first-, second-, and third-class post offices, and the cost of advertising for lease proposals for such offices, \$9,975,000.
Pneumatic-tube service, New York City.	Pneumatic-tube service, New York City: For rental of not exceeding twenty-eight miles of pneumatic tubes, hire of labor, communication service, electric power, and other expenses for transmission of mail in the city of New York including the Borough of Brooklyn, \$542,741: <i>Provided</i> , That the provisions of the Acts of April 21, 1902, May 27, 1908, and June 19, 1922 (39 U. S. C. 423), relating to contracts for the transmission of mail by pneumatic tubes or other similar devices shall not be applicable hereto.
<i>Proviso.</i> Provisions inapplicable. 32 Stat. 114; 35 Stat. 412; 42 Stat. 661.	
Pneumatic-tube service, Boston.	Pneumatic-tube service, Boston: For the rental of not exceeding two miles of pneumatic tubes, not including labor and power in operating the same, for the transmission of mail in the city of Boston, Massachusetts, \$24,000: <i>Provided</i> , That the provisions not inconsistent herewith of the Acts of April 21, 1902 (39 U. S. C. 423), and May 27, 1908 (39 U. S. C. 423), relating to the transmission of mail by pneumatic tubes or other similar devices shall be applicable hereto.
<i>Proviso.</i> Provisions applicable. 32 Stat. 114; 35 Stat. 412.	
Vehicle service.	Vehicle service: For vehicle service; the hire of vehicles; the rental of garage facilities; the purchase, exchange, maintenance, and repair of motor vehicles, including the repair of vehicles owned by, or under the control of, units of the National Guard and departments and agencies of the Federal Government where repairs are made necessary because of utilization of such vehicles in the Postal Service; accident prevention; the hire of supervisors, clerical assistance, mechanics, drivers, garage men, and such other employees as may be necessary in providing vehicles and vehicle service for use in the collection, transportation, delivery, and supervision of the mail, \$15,500,000: <i>Provided</i> , That the Postmaster General may, in his disbursement of this appropriation, apply a part thereof to the leasing of quarters for the housing of Government-owned motor vehicles at a reasonable annual rental for a term not exceeding ten years: <i>Provided further</i> , That the Postmaster General, during the fiscal year 1941 may purchase and maintain from the appropriation "Vehicle service" such tractors and trailer trucks as may be required in the operation of the vehicle service: <i>Provided further</i> , That no part of this appropriation shall be expended for maintenance or repair of motor-propelled passenger-carrying vehicles for use in connection with the administrative work of the Post Office Department in the District of Columbia.
Repairs; vehicles included.	
<i>Provisos.</i> Housing.	
Tractors and trailer trucks.	
Maintenance, etc., restriction.	
Transportation of equipment and supplies.	Transportation of equipment and supplies: For the transportation and delivery of equipment, materials, and supplies for the Post Office Department and Postal Service by freight, express, or motor transportation, and other incidental expenses, \$350,000.

PUBLIC BUILDINGS, MAINTENANCE AND OPERATION

Operating force.	Operating force: For personal services in connection with the operation of public buildings, including the Washington Post Office and the Customhouse Building in the District of Columbia, operated by the Post Office Department, together with the grounds thereof and the
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equipment and furnishings therein, including telephone operators for the operation of telephone switchboards or equivalent telephone switchboard equipment in such buildings jointly serving in each case two or more governmental activities, \$23,720,000: *Provided*, That in no case shall the rates of compensation for the mechanical labor force be in excess of the rates current at the time and in the place where such services are employed.

Proviso.
Pay rates.

Operating supplies, public buildings: For fuel, steam, gas, and electric current for lighting, heating, and power purposes, water, ice, lighting supplies, removal of ashes and rubbish, snow and ice, cutting grass and weeds, washing towels, telephone service for custodial forces, and for miscellaneous services and supplies, accident prevention, vacuum cleaners, tools and appliances and repairs thereto, for the operation of completed and occupied public buildings and grounds, including mechanical and electrical equipment, but not the repair thereof, operated by the Post Office Department, including the Washington Post Office and the Customhouse Building in the District of Columbia, and for the transportation of articles and supplies authorized herein, \$5,400,000: *Provided*, That the foregoing appropriation shall not be available for personal services except for work done by contract, or for temporary job labor under exigency not exceeding at one time the sum of \$100 at any one building: *Provided further*, That the Postmaster General is authorized to contract for telephone service in public buildings under his administration by means of telephone switchboards or equivalent telephone switching equipment jointly serving in each case two or more governmental activities, where he determines that joint service is economical and in the interest of the Government, and to secure reimbursement for the cost of such joint service from available appropriations for telephone expenses of the bureaus and offices receiving the same.

Operating supplies.

Provisos.
Personal services, restriction.

Contracts for telephone service.

Furniture, carpets, and safes, public buildings: For the procurement, including transportation, of furniture, carpets, safes, safe and vault protective devices, and repairs of same, for use in public buildings which are now, or may hereafter be, operated by the Post Office Department, \$675,000: *Provided*, That, excepting expenditures for labor for or incidental to the moving of equipment from or into public buildings, the foregoing appropriation shall not be used for personal services except for work done under contract or for temporary job labor under exigency and not exceeding at one time the sum of \$100 at any one building: *Provided further*, That all furniture now owned by the United States in other public buildings or in buildings rented by the United States shall be used, so far as practicable, whether or not it corresponds with the present regulation plan of furniture.

Furniture, etc.

Provisos.
Personal services, restriction.

Use of present furniture.

Scientific investigations: In the disbursement of appropriations contained in this title for the field service of the Post Office Department the Postmaster General may transfer to the Bureau of Standards not to exceed \$20,000 for scientific investigations in connection with the purchase of materials, equipment, and supplies necessary in the maintenance and operation of the Postal Service.

Scientific investigations.
Transfer of funds to Bureau of Standards.

Deficiency in postal revenues: If the revenues of the Post Office Department shall be insufficient to meet the appropriations made under title II of this Act, a sum equal to such deficiency in the revenues of such Department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply such deficiency in the revenues of the Post Office Department for the fiscal year ending June 30, 1941, and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General.

Deficiency in postal revenues.

Citation of title.

This title may be cited as the "Post Office Department Appropriation Act, 1941".

TITLE III—GENERAL PROVISIONS

Travel expenses on change of station.

SEC. 301. Appropriations for the fiscal year 1941 available for expenses of travel of civilian officers and employees of the executive departments and establishments shall be available also for expenses of travel performed by them on transfer from one official station to another when authorized by the head of the department or establishment concerned in the order directing such transfer: *Provided*, That such expenses shall not be allowed for any transfer effected for the convenience of any officer or employee.

Proviso.
Restriction.

Restriction on designated expenditures.

SEC. 302. No appropriation available for the executive departments and independent establishments of the Government for the fiscal year ending June 30, 1941, whether contained in this Act or any other Act, shall be expended—

Cost limitation on automobiles.

(a) To purchase any motor-propelled passenger-carrying vehicle (exclusive of busses, ambulances, and station wagons), at a cost, completely equipped for operation, and including the value of any vehicle exchanged, in excess of \$750, unless otherwise specifically provided for in the appropriation.

Maintenance, etc., of automobiles not for official purposes.

(b) For the maintenance, operation, and repair of any Government-owned motor-propelled passenger-carrying vehicle not used exclusively for official purposes; and "official purposes" shall not include the transportation of officers and employees between their domiciles and places of employment, except in cases of medical officers on out-patient medical services and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the department or establishment concerned. The limitations of this subsection (b) shall not apply to any motor vehicles for official use of the President, the heads of the executive departments, ambassadors, ministers, and *chargés d'affaires*.

Exception.

Maintenance, etc., limitation.

(c) For the maintenance, upkeep, and repair (exclusive of garage rent, pay of operators, tires, fuel, and lubricants) on any one motor-propelled passenger-carrying vehicle, except busses and ambulances, in excess of one-third of the market price of a new vehicle of the same make and class and in no case in excess of \$400.

Prerequisites to payments.

SEC. 303. No part of the money appropriated under this Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate upon vote has failed to confirm the nomination of such person.

Citizenship, etc., provisions.

SEC. 304. No part of any appropriation contained in this Act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States, or of any agency the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States unless such officer or employee is a citizen of the United States or a person in the service of the United States on the date of the approval of this Act who being eligible for citizenship has filed a declaration of intention to become a citizen or who owes allegiance to the United States: *Provided*, That this section shall not apply to enlisted men of the United States Coast Guard who are on active duty in that service on the effective date of this Act, until the expiration of the period required for such enlisted men to complete their naturalization, nor shall it apply to personnel of the Coast Guard on the retired list, and enlisted men on active duty with over twelve years' honorable service who are ineligible for United States citizenship.

Proviso.
Exceptions.

SEC. 305. The total amount used on an annual basis for administrative within-grade promotions for officers and employees under any appropriation or other fund made available in this Act shall not exceed the amount determined by the Bureau of the Budget to be available for such purpose on the basis of the Budget estimate for such appropriation or fund exclusive of new money in any such Budget estimate for such administrative promotions.

Administrative within-grade promotions, restrictions.

SEC. 306. This Act may be cited as the "Treasury and Post Office Departments Appropriation Act, 1941".

Short title.

Approved, March 25, 1940.

[CHAPTER 72]

AN ACT

To amend the Act entitled "An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes", approved June 15, 1917, as amended, to increase the penalties for peacetime violations of such Act.

March 28, 1940

[S. 1398]

[Public, No. 443]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of title I of the Act entitled "An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes", approved June 15, 1917, as amended, is amended by striking out "shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both", and inserting in lieu thereof the following: "shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$10,000".

Espionage and other crimes.

40 Stat. 217,
50 U. S. C. § 31.

Penalty.

SEC. 2. Section 5 of title I of such Act, as amended, is amended to read as follows:

40 Stat. 219.
50 U. S. C. § 35.

"SEC. 5. Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this title shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$10,000."

Harboring or concealing offenders, etc.

Penalty.

SEC. 3. (a) Section 2 of title II of such Act, as amended, is amended by striking out "shall be fined not more than \$10,000, or imprisoned not more than two years, or both.", and inserting in lieu thereof the following: "shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$10,000."

40 Stat. 220.
50 U. S. C. § 192.
Vessels in U. S. ports, violation of emergency regulations.

Penalty.

(b) Section 3 of title II of such Act, as amended, is amended by striking out "shall be fined not more than \$10,000 or imprisoned not more than two years, or both.", and inserting in lieu thereof the following: "shall be punished by imprisonment for not more than ten years and shall, in the discretion of the court, be fined not more than \$10,000."

40 Stat. 220.
50 U. S. C. § 193.
Unlawful use of vessels, etc.

Penalty.

SEC. 4. Section 1 of title IV of such Act, as amended, is amended by striking out "shall be fined not more than \$10,000, or imprisoned not more than ten years, or both.", and inserting in lieu thereof the following: "shall be punished by imprisonment for not more than twenty years and may, in the discretion of the court, be fined not more than \$10,000."

40 Stat. 221.
18 U. S. C. § 381.
Violent interference with foreign commerce.

Penalty.

SEC. 5. Section 6 of title V of such Act, as amended, is amended by striking out "shall be fined not more than \$10,000 or imprisoned not more than five years, or both.", and inserting in lieu thereof

40 Stat. 222.
18 U. S. C. § 36.
Unlawfully taking vessel out of port.

Penalty.

40 Stat. 226.
22 U. S. C., §§ 231-
233.
Disturbance of for-
eign relations.

Penalty.

40 Stat. 227.
22 U. S. C. §§ 220-
222.
Passport offenses.

Penalty.

40 Stat. 230.
18 U. S. C. § 98.
Illegal possession of
papers in aid of foreign
government.
Penalty.

40 Stat. 230.
18 U. S. C. § 345.
Unlawful use of
mails.

Penalty.

the following: "shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$10,000."

SEC. 6. Sections 1, 2, and 3 of title VIII of such Act, as amended, are amended by striking out of each of such sections "shall be fined not more than \$5,000 or imprisoned not more than five years, or both.", and inserting in lieu of the matter stricken out the following: "shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$5,000."

SEC. 7. Sections 2, 3, and 4 of title IX of such Act, as amended, are amended by striking out of each of such sections "shall be fined not more than \$2,000 or imprisoned not more than five years, or both.", and inserting in lieu thereof the following: "shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$2,000."

SEC. 8. Section 22 of title XI of such Act, as amended, is amended by striking out "shall be fined not more than \$1,000 or imprisoned not more than two years, or both.", and inserting in lieu thereof the following: "shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$1,000."

SEC. 9. Section 3 of title XII of such Act, as amended, is amended by striking out "shall be fined not more than \$5,000 or imprisoned not more than five years, or both.", and inserting in lieu thereof the following: "shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$5,000."

Approved, March 28, 1940.

[CHAPTER 73]

AN ACT

March 28, 1940

[S. 2739]

[Public, No. 444]

To amend section 45 of the United States Criminal Code to make it applicable to the outlying possessions of the United States.

Unlawful entry on
military reservations.

18 U. S. C. § 97.

Application of ex-
isting law to outlying
posts, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 45 of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States", approved March 4, 1909 (35 Stat. 1097), be, and the same is hereby, amended by inserting after the word "Whoever" and before the word "shall", in the first line of said section, a comma, followed by the phrase: "within the territory or jurisdiction of the United States, including the Canal Zone, Puerto Rico, and the Philippine Islands,".

Approved, March 28, 1940.

[CHAPTER 74]

AN ACT

March 29, 1940

[H. R. 4868]

[Public, No. 445]

To amend the Act authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for

other purposes, approved March 12, 1914 (38 Stat. 305), as amended, be, and the same is hereby, amended by adding thereto the following:

"That in order to provide for the adequate housing, feeding, and transportation of the visiting public and residents of Mount McKinley National Park in Alaska, there is authorized to be appropriated out of the general funds of the Treasury a sum not to exceed the sum of \$30,000; and the President of the United States be, and he is hereby, authorized and empowered, through such agency or agencies as he may designate, to construct, reconstruct, maintain, and operate lodges, and other structures and appurtenances incident thereto; to purchase, upon such terms as he may deem proper, the personal property, structures, and buildings of the Mount McKinley Tourist and Transportation Company that are operated and used in said park under contract authorization by the Department of the Interior, and the equities of the Mount McKinley Tourist and Transportation Company in the business developed and conducted in connection therewith; to purchase or otherwise acquire motor-propelled passenger-carrying vehicles and all necessary fixtures and equipment, and to operate, repair, recondition, and maintain the same in order to carry out the purpose of this Act, notwithstanding the restrictions imposed by law with regard to the purchase, maintenance, repair, or operation of motor-propelled, passenger-carrying vehicles; and to operate or sell the equipment and facilities herein authorized, directly or by contract or contracts with any individual, company, firm, or corporation, under such schedule of rates, terms, and conditions, as he may deem proper."

Approved, March 29, 1940.

48 U. S. C., §§ 301-305, 307.

Mount McKinley National Park, Alaska.
Tourist facilities, etc.
Appropriation authorized.
Post, p. 447.

Purchase of Mount McKinley Tourist and Transportation Co., equities, etc.

Motor vehicles.

[CHAPTER 75]

AN ACT

To authorize the Secretary of Agriculture to delegate certain regulatory functions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act—

(a) The term "regulatory order" means an order, marketing agreement, standard, permit, license, registration, suspension or revocation of a permit, license, or registration, certificate, award, rule, or regulation, if it has the force and effect of law, and if it may be made, prescribed, issued, or promulgated only after notice and hearing or opportunity for hearing have been given.

(b) The term "regulatory function" means the making, prescribing, issuing, or promulgating, of a regulatory order; and includes (1) determining whether such making, prescribing, issuing, or promulgating is authorized or required by law, and (2) any action which is required or authorized to be performed before, after, or in connection with, such determining, making, prescribing, issuing, or promulgating.

SEC. 2. Whenever the Secretary of Agriculture deems that the delegation of the whole or any part of any regulatory function which the Secretary is, now or hereafter, required or authorized to perform will result in the more expeditious discharge of the duties of the Department of Agriculture, he is authorized to make such delegation to any officer or employee designated under this section. The Secretary is authorized to designate officers or employees of the Department to whom functions may be delegated under this section and to

April 4, 1940
[S. 1955]
[Public, No. 446]

Secretary of Agriculture, functions.

Definitions.
"Regulatory order."

"Regulatory function."

Delegation of regulatory functions.

Personnel; assignment of titles.

Allocation of positions.	assign appropriate titles to such officers or employees. The position held by any officer or employee while he is designated under this section, and vested with a regulatory function or part thereof delegated under this section, shall be allocated to a grade, not lower than grade 7, in the professional and scientific service provided for by the Classification Act of 1923, as amended, or to a grade, not lower than grade 14, in the clerical, administrative, and fiscal service provided for by such Act, as amended. There shall not be in the Department at any one time more than two officers or employees designated under this section and vested with a regulatory function or part thereof delegated under this section. The Secretary may at any time revoke the whole or any part of a delegation or designation made by him under this section.
42 Stat. 1492, 1496. 5 U. S. C. § 673.	
Limitation on number so designated.	
Revocation.	
Legal effect.	SEC. 3. Whenever a delegation is made under section 2, all provisions of law shall be construed as if the regulatory function or the part thereof delegated had (to the extent of the delegation) been vested by law in the individual to whom the delegation is made, instead of in the Secretary of Agriculture. A revocation of delegation shall not be retroactive, and each regulatory function or part thereof performed (within the scope of the delegation) by such individual prior to the revocation shall be considered as having been performed by the Secretary.
Revocation not retroactive.	
Scope of provisions.	SEC. 4. The provisions of section 2 shall not be deemed to prohibit the delegation, under authority of any other provision of law, of the whole or any part of any regulatory function or other function to any officer or employee of the Department of Agriculture.
Appropriation authorized.	SEC. 5. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Approved, April 4, 1940.

[CHAPTER 76]

JOINT RESOLUTION

April 5, 1940
[S. J. Res. 226]
[Pub. Res., No. 59]

Providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

Smithsonian Institution.

Vannevar Bush, appointment to Board of Regents.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, caused by the resignation of John C. Merriam, be filled by the appointment of Vannevar Bush, a resident of the city of Washington, for the statutory term of six years.

Approved, April 5, 1940.

[CHAPTER 77]

AN ACT

April 6, 1940
[H. R. 8641]
[Public, No. 447]

Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, to provide supplemental appropriations for such fiscal year, and for other purposes.

First Deficiency Appropriation Act, 1940.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, to provide supplemental appropriations for such fiscal year, and for other purposes, namely:

TITLE I—GENERAL APPROPRIATIONS

LEGISLATIVE

HOUSE OF REPRESENTATIVES

For payment to the widow of Cassius C. Dowell, late a Representative from the State of Iowa, \$10,000.

Cassius C. Dowell.
Payment to widow.

For payment to Sadie Sirovich Rosenbaum, sister of William I. Sirovich, late a Representative from the State of New York, \$10,000.

William I. Sirovich.
Payment to sister.

The two foregoing amounts to be disbursed by the Sergeant at Arms of the House of Representatives.

Contingent expenses—Stenographic reports of committee hearings: For stenographic reports of hearings of committees, other than special and select committees, for the fiscal years that follow:

Reports of committee hearings.

For 1939, \$1,200;

52 Stat. 388.

For 1940, \$15,000.

53 Stat. 830.

Contested-election expenses: For payment to the following contestant and contestee for expenses incurred in the contested-election case of Scott versus Eaton, as audited and recommended by the Committee on Elections Numbered 2:

Contested-election expenses.

Byron N. Scott, contestant, \$2,000;

Byron N. Scott.

Thomas M. Eaton, contestee, \$2,000; such sum to be paid to his widow, Ivah B. Eaton;

Thomas M. Eaton.

In all, \$4,000, to be disbursed by the Clerk of the House of Representatives.

OFFICE OF ARCHITECT OF CAPITOL

Capitol grounds: For an additional amount for the care and improvement of the grounds surrounding the Capitol, Senate and House Office Buildings, and so forth, including the same objects specified under this head in the Legislative Branch Appropriation Act, 1940, \$5,000.

Capitol grounds.

Capitol Power Plant: For an additional amount for lighting, heating, and power for the Capitol, Senate and House Office Buildings, Supreme Court Building, Congressional Library Buildings, and so forth, including the same objects specified under this head in the Legislative Branch Appropriation Act, 1940, \$60,000.

Capitol Power Plant.
Maintenance.

53 Stat. 833.

EXECUTIVE OFFICE OF THE PRESIDENT

Portrait of former President Herbert Hoover: For the procurement of an oil painting of former President Herbert Hoover in accordance with Public Resolution Numbered 42 of the Seventy-sixth Congress, approved August 5, 1939, fiscal year 1940, \$2,500, to remain available until expended.

Portrait of former President Herbert Hoover, procurement.

53 Stat. 1222.

INDEPENDENT ESTABLISHMENTS

BENJAMIN HARRISON MEMORIAL COMMISSION

For carrying out the provisions of the Act entitled "An Act to establish the Benjamin Harrison Commission to formulate plans for the construction of a permanent memorial to the memory of Benjamin Harrison, twenty-third President of the United States", approved August 9, 1939, fiscal year 1940, \$2,500, to remain available until September 30, 1940; such sum to be paid to the Commission for expenditure within its discretion for the purposes of such Act without

Expenses.

53 Stat. 1274.
Availability.

Proviso.
Report to Congress.

regard to the provisions of any other Acts: *Provided*, That the Commission shall make to Congress, at the next regular session thereof, a detailed report of the expenditure of such amount.

CIVIL SERVICE COMMISSION

Salaries and ex-
penses.

53 Stat. 528.

Salaries and expenses: For an additional amount for the purposes of, and under the limitations specified in, the appropriation "Salaries and Expenses, Civil Service Commission, 1940", fiscal year 1940, \$200,000.

Printing and bind-
ing.

53 Stat. 528.

Printing and binding: For an additional amount for printing and binding for the Civil Service Commission, fiscal year 1940, \$25,000.

FEDERAL LOAN AGENCY

Export-Import
Bank of Washington.
Salaries and ex-
penses, limitation in-
creased.

53 Stat. 982.

Export-Import Bank of Washington, salaries and administrative expenses: The limitation of \$75,000 for administrative expenses of the Export-Import Bank of Washington for the fiscal year 1940 contained in the Urgent Deficiency and Supplemental Appropriation Act, fiscal years 1939 and 1940, is hereby increased to \$85,000.

FEDERAL SECURITY AGENCY

Cooperative voca-
tional rehabilitation of
persons disabled in in-
dustry.

53 Stat. 733.

41 Stat. 735.
29 U. S. C., Supp. V,
§ 45b.

53 Stat. 1381.

Office of Education—Cooperative vocational rehabilitation of persons disabled in industry: For an additional amount for carrying out the provisions of the Act entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment", approved June 2, 1920, as amended (29 U. S. C., 31-40 and 45b), and section 508 (a) of the Social Security Act Amendments of 1939, fiscal year 1940, \$295,000.

FEDERAL WORKS AGENCY

Limitations on ex-
penditures and obliga-
tions modified.

53 Stat. 928.

Work Projects Administration: The limitation of \$50,000,000 on the aggregate amount which may be obligated for administrative expenses of the Work Projects Administration, and the limitations of the amounts which may be obligated for the following respective purposes: Salaries, \$42,500,000; communication service, \$600,000; travel, \$4,200,000; and printing and binding, \$500,000; contained in section 1 (e) of the Emergency Relief Appropriation Act, 1939, are hereby changed to \$53,950,000, \$44,700,000, \$725,000, \$4,575,000, and \$475,000, respectively.

GALLIPOLIS SESQUICENTENNIAL COMMISSION

Expenses.

53 Stat. 1346.

For carrying out the provisions of the public resolution entitled "Joint resolution to provide for the observance and celebration of the one hundred and fiftieth anniversary of the settlement of the city of Gallipolis, Ohio", approved August 10, 1939, fiscal year 1940, \$10,000, to remain available until December 31, 1940; such sum to be paid to the Commission for expenditure within its discretion for the purposes of such Act without regard to the provisions of any other Acts: *Provided*, That the Commission shall make to Congress, at the next regular session thereof, a detailed report of the expenditure of such amount.

Proviso.
Report to Congress.

NATIONAL LABOR RELATIONS BOARD

Printing and bind-
ing.
Transfer of funds.

53 Stat. 536.

Printing and binding: There may be transferred to the appropriation "Printing and Binding, National Labor Relations Board, 1940", from the appropriation "Salaries and Expenses, National Labor Relations Board, 1940", not to exceed \$55,000.

NATIONAL MEDIATION BOARD

Printing and binding: There may be transferred to the appropriation "Printing and binding, National Mediation Board, 1940", from the appropriation "Salaries and expenses, National Mediation Board, 1940", not to exceed \$750.

Printing and binding.
Transfer of funds.
53 Stat. 537.

National Railroad Adjustment Board, salaries and expenses: There may be transferred to the appropriation "Salaries and Expenses, National Railroad Adjustment Board, National Mediation Board, 1940", from the appropriation "Printing and Binding, National Railroad Adjustment Board, National Mediation Board, 1940", not to exceed \$20,000, to be available only for salaries and expenses of referees: *Provided*, That the rate of compensation for any referee payable from this additional appropriation shall not exceed \$50 per day.

National Railroad Adjustment Board.
Transfer of funds.
53 Stat. 537.

Proviso.
Referee's compensation.

TEMPORARY NATIONAL ECONOMIC COMMITTEE

To complete carrying out the purposes of the joint resolution creating the Temporary National Economic Committee, approved June 16, 1938, to be available only for allocation to the departments and agencies represented on the Committee for the necessary expenses thereof, including the objects specified under this head in the Second Deficiency Appropriation Act, fiscal year 1938, \$60,000, fiscal year 1940, to remain available until the expiration of the Seventy-sixth Congress.

Expenses.

52 Stat. 705.

52 Stat. 1118.
Availability.

UNITED STATES MARITIME COMMISSION

Administrative expenses: Not to exceed \$2,270.70 of the moneys made available for administrative expenses of the United States Maritime Commission by the Independent Offices Appropriation Act, 1940, shall be available during the fiscal year 1940 for compensation for the period beginning August 5, 1939, and ending June 30, 1940, as authorized by the Act of August 4, 1939, for officers of the Army, Navy, Marine Corps, or Coast Guard detailed to the Commission.

Administrative expenses.

53 Stat. 543.

53 Stat. 1182.
46 U. S. C., Supp. V,
§ 1111(f).

DISTRICT OF COLUMBIA

CONTINGENT AND MISCELLANEOUS

Printing and binding: For an additional amount for printing and binding, fiscal year 1940, \$2,500, to remain available until June 30, 1941.

Printing and binding.
53 Stat. 1009.

ELECTRICAL DEPARTMENT

Police-patrol and fire-alarm systems: For an additional amount for placing wires of fire-alarm, police-patrol, and telephone services underground, extension and relocation of police-patrol and fire-alarm systems, purchase and installing additional cables, labor, material, appurtenances, and other necessary equipment and expenses, fiscal year 1940, \$14,720, to remain available until June 30, 1941.

Police-patrol and fire-alarm systems.
Post, p. 315.

Availability.

PUBLIC SCHOOLS

Buildings and grounds: For an additional amount for completing the construction of a new senior high school at Fifth and Sheridan Streets Northwest, \$16,000, and the limit of cost of such building is increased to \$1,441,000.

Senior high, 5th and Sheridan Streets NW.

53 Stat. 1017.

POLICEMEN'S AND FIREMEN'S RELIEF

Payments.
53 Stat. 1019.

For an additional amount to pay the policemen's and firemen's relief and other allowances as authorized by law, fiscal year 1940, \$60,000.

FIRE DEPARTMENT

Buildings and
grounds.
Post, p. 322.

53 Stat. 1020.

Buildings and grounds: For an additional amount for repairs and improvements to buildings and grounds, including structural alterations to fire department buildings to carry into effect the recommendations of the Fire Survey Board appointed pursuant to the provisions of the District of Columbia Appropriation Act, 1940, fiscal year 1940, \$12,200, to remain available until June 30, 1941.

DIVISION OF EXPENSES

Division of expenses.

The foregoing sums for the District of Columbia, unless otherwise therein specifically provided, shall be paid out of the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed by the District of Columbia appropriation Acts for the respective fiscal years for which such sums are provided.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

Fighting, etc., forest
fires.

53 Stat. 956.

Fighting forest fires: For an additional amount for fighting and preventing forest fires, fiscal year 1940, including the same objects specified under this head in the Department of Agriculture Appropriation Act, 1940, \$3,550,000.

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

Insect pests and
plant diseases, control.
53 Stat. 962.
Post, p. 640.

7 U. S. C., Supp. V,
§§ 148-148e.

Control of incipient and emergency outbreaks of insect pests and plant diseases: To enable the Secretary of Agriculture to carry out the provisions of and for expenditures authorized by the joint resolution approved May 9, 1938 (52 Stat. 344), fiscal year 1940, \$2,500,000, to remain available until June 30, 1941.

AGRICULTURAL MARKETING SERVICE

Federal Seed Act.

7 U. S. C., Supp. V,
§§ 1551-1610.

53 Stat. 969.

Federal Seed Act: To enable the Secretary of Agriculture to carry into effect the provisions of the Federal Seed Act, approved August 9, 1939 (53 Stat. 1275-1290), fiscal year 1940, \$10,000, such sum to be in addition to the amount appropriated under the head "Federal Seed Act" by the Department of Agriculture Appropriation Act, 1940.

CONSERVATION AND USE OF AGRICULTURAL LAND RESOURCES

Expenses.
Post, p. 561.
49 Stat. 1148.
16 U. S. C., Supp. V,
§§ 590g-590q.

7 U. S. C., Supp. V,
ch. 35.

53 Stat. 973.

For an additional amount to enable the Secretary of Agriculture to carry into effect the provisions of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936 (16 U. S. C. 590g-590q), and the provisions of the Agricultural Adjustment Act of 1938 (52 Stat. 31-70) (except the provisions of titles IV and V), fiscal year 1940, including the same purposes and under the same limitations specified under this head in the Department of Agriculture Appropriation Act, 1940, \$60,000,000.

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

Expenses of the Sixteenth Census: For an additional amount for beginning the work of taking, compiling, and publishing the Sixteenth Census of the United States, fiscal year 1940, including the same objects specified under this head in the Department of Commerce Appropriation Act, 1940, and to carry out the provisions of the Act, approved August 11, 1939 (53 Stat. 1406), directing the taking of a census of housing as a part of the population inquiry of the sixteenth decennial census, \$5,000,000, to remain available until June 30, 1941.

Expenses of the Sixteenth Census.
Post, p. 194.

53 Stat. 910.

13 U. S. C., Supp.
V, §§ 106, 107.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

Colorado-Big Thompson project, Colorado: For continuation of construction, \$850,000, from the reclamation fund, special fund, fiscal year 1940, to remain available until expended.

Colorado-Big Thompson project, Colo.
53 Stat. 716.

Rio Grande project, New Mexico-Texas: For continuation of construction, \$1,017,000, from the reclamation fund, special fund, fiscal year 1940, to remain available until expended.

Rio Grande project, N. Mex.-Tex.
53 Stat. 717.

Boulder Canyon project: For continuation of construction of the Boulder Dam and incidental works in the main stream of the Colorado River at Black Canyon, fiscal year 1940, including the same objects and subject to the same limitations under this head in the Interior Department Appropriation Act, 1940, \$1,000,000, to remain available until advanced to the Colorado River Dam Fund.

Boulder Canyon project.

53 Stat. 718.
Availability.

For continuation of construction of the following projects in not to exceed the following amounts, respectively, to be expended from the general fund of the Treasury in the same manner and for the same objects of expenditure as specified for projects in the Interior Department Appropriation Act, 1940, under the caption "Bureau of Reclamation", fiscal year 1940, to remain available until expended, and to be reimbursable under the reclamation law:

Construction of designated projects; reimbursement.

53 Stat. 719.

Central Valley project, California, \$5,000,000;

Grand Coulee Dam project, Washington, \$7,000,000;

In all, \$12,000,000.

Central Valley project, Calif.
Grand Coulee Dam project, Wash.

GOVERNMENT IN THE TERRITORIES

The Alaska Railroad: The limitation of \$11,000 upon the amount that may be expended for printing and binding from the appropriations for the Alaska Railroad contained in the Interior Department Appropriation Act, 1939, and the Second Deficiency Appropriation Act, fiscal year 1939, is hereby increased to \$11,972.25.

Alaska Railroad.
Printing and binding.

52 Stat. 339.

53 Stat. 634.

DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

Traveling expenses: For an additional amount for traveling expenses, Department of Justice and the Judiciary, fiscal year 1940, including the same objects specified under this head in the Department of Justice Appropriation Act, 1940, \$50,000.

Traveling expenses.

53 Stat. 897.
Post, p. 644.

PENAL AND CORRECTIONAL INSTITUTIONS

Maintenance.
Post, p. 645.

Federal jails and correctional institutions, maintenance: For an additional amount for Federal jails and correctional institutions, fiscal year 1940, including the same objects specified under this head in the Department of Justice Appropriation Act, 1940, \$49,375.

53 Stat. 901.
Support of U. S.
prisoners.

Support of United States prisoners: For an additional amount for support of United States prisoners, fiscal year 1939, including the same objects specified under this head in the Department of Justice Appropriation Act, 1939, \$86,154.

52 Stat. 264.

FEDERAL BUREAU OF INVESTIGATION

Salaries and ex-
penses.
Ante, p. 33.

Salaries and expenses: The limitation on the amount which may be expended for personal services in the District of Columbia from the appropriation "Salaries and expenses, Federal Bureau of Investigation, 1940", contained in the Department of Justice Appropriation Act, 1940, is hereby increased from \$1,872,480 to \$2,022,480.

53 Stat. 897.
Damage claims.
Post, p. 644.

Claims for damages: For the payment of claims for damages to any person or damages to or loss of privately owned property caused by employees of the Federal Bureau of Investigation, acting within the scope of their employment, considered, adjusted, and determined by the Attorney General, under the provisions of the Act entitled "An Act to provide for the adjustment and settlement of certain claims arising out of the activities of the Federal Bureau of Investigation", approved March 20, 1936 (5 U. S. C. 300 b), as fully set forth in House Document Numbered 623, Seventy-sixth Congress, \$184.65.

49 Stat. 1184.
5 U. S. C., Supp. V,
§ 300b.

UNITED STATES COURTS

Sum reappropriated
for designated pur-
poses.
52 Stat. 268.

The sum of \$24,703.04 of the unexpended balance of the appropriation "Fees of jurors and witnesses, United States courts, 1939", is hereby transferred and made available for the purposes of the appropriations to which transferred, as follows: The sum of \$17,500 to "Traveling expenses, Department of Justice and Judiciary, 1939"; the sum of \$520 to "Pay of bailiffs, and so forth, United States courts, 1939", including the compensation of jury commissioners for the District of Columbia in conformity with the provisions of title 18, chapter 10, section 341, of the Code of the District of Columbia; the sum of \$997.12 to "Miscellaneous salaries, United States courts, 1939"; the sum of \$5,022.11 to "Fees of jurors and witnesses, United States courts, 1938"; the sum of \$651.61 to "Salaries and expenses of clerks, United States courts, 1937"; and the sum of \$12.20 to "Miscellaneous expenses, United States courts, 1936".

31 Stat. 1222.

Conciliation com-
missioners.

Conciliation commissioners, United States courts: For an additional amount for fees and expenses of conciliation commissioners, United States courts, fiscal year 1940, including the same objects specified under this head in the Department of Justice Appropriation Act, 1937, \$70,000.

49 Stat. 1327.

DEPARTMENT OF LABOR

IMMIGRATION AND NATURALIZATION SERVICE

Overtime pay.

Salaries, field service: For an additional amount for salaries of field personnel of the Immigration and Naturalization Service, fiscal year 1939, to be available only for the payment of extra compensation for overtime services of inspectors and employees of the Immigration and Naturalization Service for which the United States receives reimbursement in accordance with the provisions of the Act of March 2, 1931 (8 U. S. C. 109a-109b; 31 U. S. C. 725d), \$5,192.

52 Stat. 286.

46 Stat. 1467.

WAGE AND HOUR DIVISION

Not to exceed \$15,000 of the appropriation "Salaries, Wage and Hour Division, Department of Labor, 1940", shall be available for transfer to the appropriation "Contingent expenses, Department of Labor, 1940", and not to exceed \$65,000 of the appropriation "Salaries, Wage and Hour Division, Department of Labor, 1940", shall be available for transfer to the appropriation for miscellaneous expenses (other than salaries), Wage and Hour Division: *Provided*, That such appropriation for salaries, Wage and Hour Division, shall be available for reimbursement to State, Federal, and local agencies and their employees for services rendered.

Transfer of designated funds.
53 Stat. 926, 920.

Proviso.
Reimbursement.

NAVY DEPARTMENT

OFFICE OF SECRETARY OF THE NAVY

Claims for damages by collision with naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the Act entitled "An Act to amend the Act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels", approved December 28, 1922, as fully set forth in Senate Document Numbered 154, and House Document Numbered 625, Seventy-sixth Congress, \$3,040.78.

Collision damage claims.
Post, p. 648.

42 Stat. 1066.
34 U. S. C. § 599.

POST OFFICE DEPARTMENT

OUT OF THE POSTAL REVENUES

BUREAU OF ACCOUNTS

Salaries, Bureau of Accounts: For an additional amount for salaries, Bureau of Accounts, fiscal year, 1940, \$2,000.

Salaries.
53 Stat. 675.

DEPARTMENT OF STATE

OFFICE OF SECRETARY OF STATE

Salaries: For an additional amount for salaries, Office of the Secretary of State, fiscal year 1940, subject to the limitations specified under this head in the Department of State Appropriation Act, 1940, \$41,387.

Salaries.
53 Stat. 885.

Contingent expenses (departmental): For an additional amount for contingent expenses, Department of State (departmental), including the same objects specified under this head in the Department of State Appropriation Act, 1940, fiscal year 1940, \$18,000, of which amount there may be expended not to exceed \$2,400 for the purchase of typewriters, adding machines, and other labor-saving devices, including rental, exchange, and repair thereof.

Contingent expenses (departmental).

53 Stat. 886.

FOREIGN INTERCOURSE

Salaries, Foreign Service clerks: For an additional amount for salaries, Foreign Service clerks, fiscal year 1940, \$40,000.

Foreign Service clerks.
53 Stat. 888.

Contingent expenses, Foreign Service: For an additional amount for contingent expenses, Foreign Service, fiscal year 1940, including the same objects specified under this head in the Department of State Appropriation Act, 1940, \$500,000.

Contingent expenses, Foreign Service.
53 Stat. 889.

Minister to Commonwealth of Australia.

53 Stat. 887.

Emergencies, Diplomatic and Consular Service.
53 Stat. 890.

Neutrality Act expenses.
Amte, p. 12.
22 U. S. C., Supp. V,
§ 245 j-17.

Salaries, Ambassadors and Ministers: So much as may be necessary of the appropriation for salaries of ambassadors and ministers contained in the Department of State Appropriation Act, fiscal year 1940, shall be available for the salary of an Envoy Extraordinary and Minister Plenipotentiary to the Commonwealth of Australia, at the rate of \$10,000 per annum.

Emergencies arising in the Diplomatic and Consular Service: For an additional amount to enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the Neutrality Act, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U. S. C. 107), fiscal year 1940, \$500,000.

FIRST INTER-AMERICAN CONGRESS ON INDIAN LIFE

Participation expenses.

Printing and binding.

Reimbursement of other appropriations.

Availability.

For the expenses of participation by the United States in the first Inter-American Congress on Indian Life, to be held at Patzcuaro, Mexico, in 1940, including personal services in the District of Columbia or elsewhere; stenographic reporting, translating, and other services by contract if deemed necessary; rent; travel expense; local transportation; transportation of things; purchase of necessary books, documents, newspapers, and periodicals; stationery; equipment; official cards; printing and binding; official entertainment; costs of assembling, installing, packing, transporting, safekeeping, demonstrating, and renovating a suitable exhibit, and the purchase of supplies incident thereto; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, to be expended under the direction of the Secretary of State, fiscal year 1940, to remain available until June 30, 1941 (convention on the Pan American Union, adopted at Havana, Cuba, February 1928, ratified by the President March 6, 1931; resolution XCIII, adopted at Montevideo, December 24, 1933; resolution XIII, adopted at Lima, Peru, December 31, 1938), \$2,000.

TREASURY DEPARTMENT

MISCELLANEOUS AND CONTINGENT EXPENSES, TREASURY DEPARTMENT

Department contingent expenses.

53 Stat. 656.

Contingent expenses: For an additional amount for miscellaneous and contingent expenses, Treasury Department, fiscal year 1940, including the objects and subject to the limitations specified under this head in the Treasury Department Appropriation Act, 1940, \$10,000.

CUSTODY OF TREASURY BUILDINGS

Guard force.

53 Stat. 657.

Salaries and expenses, guard force: For an additional amount for salaries and expenses of the guard force for Treasury Department buildings in the District of Columbia, fiscal year 1940, including the same objects and subject to the same limitations specified under this head in the Treasury Department Appropriation Act, 1940, \$8,000.

DIVISION OF PRINTING

Printing and binding.

53 Stat. 657.

Printing and binding: For an additional amount for printing and binding for the Treasury Department, fiscal year 1940, including the same objects specified under this head in the Treasury Department Appropriation Act, 1940, \$50,000.

Stationery: For an additional amount for stationery for the Treasury Department, fiscal year 1940, including the same objects specified under this head in the Treasury Department Appropriation Act, 1940, \$20,000.

Stationery.

53 Stat. 657.

OFFICE OF COMMISSIONER OF ACCOUNTS AND DEPOSITS

Contingent expenses, public moneys: For an additional amount for contingent expenses, public moneys, fiscal year 1940, including the same objects specified under this head in the Treasury Department Appropriation Act, 1940, \$50,000.

Contingent ex-
penses, public moneys.

53 Stat. 657.

Payment of unclaimed moneys (trust fund): For an additional amount for payment of unclaimed moneys, fiscal year 1940, including the same objects specified under this head in the Treasury Department Appropriation Act, 1940, \$10,000, payable from the funds held by the United States in the trust fund receipt account "Unclaimed moneys of individuals whose whereabouts are unknown".

Payment of un-
claimed moneys (trust
fund).
Post, p. 653.

53 Stat. 658.

COAST GUARD

Pay and allowances: For an additional amount for pay and allowances, fiscal year 1940, including the same objects and subject to the same limitations specified under this head in the Treasury Department Appropriation Act, 1940, \$187,500.

Pay and allow-
ances.
Ante, p. 34.
53 Stat. 664.

General expenses, Lighthouse Service, Coast Guard: The limitation of \$3,500 for packing, crating, and transporting personal household effects of employees when transferred from one official station to another for permanent duty, contained under the heading "Bureau of Lighthouses, general expenses", in the Department of Commerce Appropriation Act, 1940, is hereby increased to \$14,500.

Transportation of
effects.
Ante, p. 34.

53 Stat. 913.

Retired pay, Lighthouse Service, Coast Guard: For an additional amount for retired pay of officers and employees engaged in the field service or on vessels of the Lighthouse Service, fiscal year 1940, \$105,000.

Retired pay.

53 Stat. 914.

Claims for damages, operation of vessels: To pay claims for damages adjusted and determined by the Secretary of the Treasury under the provisions of the Act entitled "An Act to provide for the adjustment and settlement of certain claims for damages resulting from the operation of vessels of the Coast Guard and the Public Health Service, in sums not exceeding \$3,000 in any one case", approved June 15, 1936, as fully set forth in House Document Numbered 622, Seventy-sixth Congress, \$122.06.

Operation of ves-
sels, damage claims.
Post, p. 654.

49 Stat. 1514.
14 U. S. C., Supp. V,
§ 71.

SECRET SERVICE DIVISION

Suppressing counterfeiting and other crimes: For an additional amount for suppressing counterfeiting and other crimes, fiscal year 1940, including the same objects and subject to the same limitations specified under this head in the Treasury Department Appropriation Act, 1940, \$90,000.

Suppressing coun-
terfeiting, etc.

53 Stat. 666.

BUREAU OF THE MINT

Salaries and expenses, mints and assay offices: For an additional amount for salaries and expenses, mints and assay offices, fiscal year 1940, including the same objects and subject to the same limitations specified under this head in the Treasury Department Appropriation Act, 1940, \$306,000, of which not to exceed \$675 may be transferred to the appropriation "Contingent expenses, Office of Director of the Mint, 1940".

Mints and assay
offices.

53 Stat. 670.

Transfer of funds.

WAR DEPARTMENT

MILITARY ACTIVITIES

OFFICE OF THE SECRETARY OF WAR

Private property
damage claims.
53 Stat. 599.
Post, p. 654.

Claims for damages to and loss of private property: To pay claims for damages adjusted and determined by the Secretary of War under the provisions of an Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes", approved August 24, 1912, as fully set forth in House Document Numbered 615, Seventy-sixth Congress, \$3,974.32.

37 Stat. 586.
5 U. S. C. § 208.

CIVIL FUNCTIONS

CORPS OF ENGINEERS

Rivers and harbors.

Rivers and harbors: For an additional amount for rivers and harbors, including the same objects and under the same conditions specified under this head in the War Department Civil Appropriation Act, 1940, \$1,500,000.

53 Stat. 858.

Damage claims,
rivers and harbors.

Claims for damages, rivers and harbors: To pay claims for damages under river and harbor work adjusted and determined by the War Department under the provision of section 9 of the River and Harbor Act, approved June 5, 1920 (33 U. S. C. 564), as set forth in Senate Document Numbered 153, and House Document Numbered 620, Seventy-sixth Congress, \$2,119.89.

41 Stat. 1015.

THE PANAMA CANAL

Maintenance and
operation.

Maintenance and operation of the Panama Canal: For an additional amount for the maintenance and operation of the Panama Canal, fiscal year 1940, including the same objects specified under this head in the War Department Civil Appropriation Act, 1940, \$191,000, to remain available until expended.

53 Stat. 861.

Sanitation.

Sanitation, Canal Zone, Panama Canal: For an additional amount for sanitation, Canal Zone, Panama Canal, fiscal year 1940, including the same objects specified under this head in the War Department Civil Appropriation Act, 1940, \$42,500, to remain available until expended.

53 Stat. 861.

TITLE II—JUDGMENTS AND AUTHORIZED CLAIMS

PROPERTY DAMAGE CLAIMS

Property damage
claims.

SEC. 201. (a) For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and independent offices, under the provisions of the Act entitled "An Act to provide a method for the settlement of claims arising against the Government of the United States in the sums not exceeding \$1,000 in any one case", approved December 28, 1922 (31 U. S. C. 215), as fully set forth in House Document Numbered 621 of the Seventy-sixth Congress, as follows:

42 Stat. 1066.

Federal Housing Administration, \$137.11;
Federal Security Agency, \$52.87;
Federal Works Agency, \$637.50;
National Advisory Committee for Aeronautics, \$117.60;
Veterans' Administration, \$45;
Department of Agriculture, \$3,163.18;
Department of Commerce, \$86.04;

Department of the Interior, \$2,138.75;
 Department of Justice, \$28.25;
 Department of Labor, \$218;
 Navy Department, \$873.78;
 Treasury Department, \$185.21;
 War Department, \$12,168.26;
 Post Office Department (payable from postal revenues), \$1,534.15;
 In all, \$21,385.70.

(b) For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and independent offices, under the provisions of the Act entitled "An Act to provide a method for the settlement of claims arising against the Government of the United States in the sums not exceeding \$1,000 in any one case", approved December 28, 1922 (31 U. S. C. 215), as fully set forth in Senate Document Numbered 152 of the Seventy-sixth Congress, as follows:

Settlement of
claims not exceeding
\$1,000.

42 Stat. 1060.

Civil Aeronautics Authority, \$1,327.08;

Federal Works Agency—

Work Projects Administration, \$2,516.33;

Department of Agriculture, \$374.99;

Department of the Interior, \$111.15;

Navy Department, \$1,031.03;

War Department, \$1,344.70;

In all, \$6,705.28.

JUDGMENTS, UNITED STATES COURTS

SEC. 202. (a) For the payment of the final judgments, including costs of suits, which have been rendered under the provisions of the Act of March 3, 1887, entitled "An Act to provide for the bringing of suits against the Government of the United States", as amended by the Judicial Code, approved March 3, 1911 (28 U. S. C. 761), certified to the Seventy-sixth Congress in Senate Document Numbered 158, and House Document Numbered 613, under the following establishment and departments:

Judgments, U. S.
Courts.

24 Stat. 506; 36 Stat.
1163.

Federal Works Agency, \$4,933.37;

Department of Commerce, \$28.34;

Department of Labor, \$2,073;

Navy Department, \$2,390.39;

Post Office Department, \$1,808.09;

War Department, \$3,523.13;

In all, \$14,756.32, together with such additional sum as may be necessary to pay costs and interest as specified in such judgments or as provided by law.

Costs and interest.

(b) For the payment of judgments, including cost of suits, rendered against the Government of the United States by United States district courts under the provisions of an Act entitled "An Act authorizing suits against the United States in admiralty for damages caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes", approved March 3, 1925 (46 U. S. C., 781-789), certified to the Seventy-sixth Congress in Senate Document Numbered 156, and House Document Numbered 617, under the following departments:

Suits in admiralty.

43 Stat. 1112.

Treasury Department, \$8,093.68;

War Department, \$5,370.65;

In all, \$13,464.33, together with such additional sum as may be necessary to pay interest as and where specified in such judgments or as provided by law.

Interest.

Judgments in special cases.

Henry H. Carr and others.

Refuse deposits in navigable waters.
30 Stat. 1152.

Time for payment.

Interest.

(c) For the payment of final judgment and decree in special cases rendered against the Government of the United States pursuant to authority contained in the Act approved May 15, 1937 (Private Act Numbered 96, Seventy-fifth Congress, 50 Stat. 965), and the Act approved March 3, 1899 (33 U. S. C. 407 and the following), and certified to the Seventy-sixth Congress in House Documents Numbered 616 and 618, under the War Department, \$23,650.

(d) None of the judgments contained under this caption shall be paid until the right of appeal shall have expired except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

(e) Payment of interest wherever provided for judgments contained in this Act shall not in any case continue for more than thirty days after the date of approval of this Act.

JUDGMENTS, COURT OF CLAIMS

Payment.

SEC. 203. (a) For payment of the judgments rendered by the Court of Claims and reported to the Seventy-sixth Congress in Senate Document Numbered 155, and House Document Numbered 614, under the following establishment and departments, namely:

Veterans' Administration, \$71,069.65;
Department of Agriculture, \$6,773.56;
Department of Labor, \$15,000;
Navy Department, \$7,804.22;
Post Office Department, \$222,825.96;
Treasury Department, \$2,000;
War Department, \$124,951.33;

Interest.

In all, \$450,424.72, together with such additional sum as may be necessary to pay interest as and where specified in such judgments.

William W. Brunswick, retirement pay.

(b) For the payment of judgment numbered 44629 rendered by the Court of Claims in favor of William W. Brunswick, covering retirement pay withheld from the plaintiff by the Comptroller General, \$4,233.65, to be paid from the Foreign Service retirement and disability fund.

Time for payment.

(c) None of the judgments contained under this caption shall be paid until the right of appeal shall have expired, except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

AUDITED CLAIMS

Payment.

SEC. 204. (a) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (31 U. S. C. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1937 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (5 U. S. C. 266), as fully set forth in House Document Numbered 627, Seventy-sixth Congress, there is appropriated as follows:

Legislative.

Legislative: For public printing and binding, Government Printing Office, \$478.05.

Independent Offices.

Independent Offices: For Federal Civil Works Administration, \$153.61.

For National Industrial Recovery, National Recovery Administration, \$7.70.

For maintenance of air-navigation facilities, Civil Aeronautics Authority, \$1,767.26.

For establishment of air-navigation facilities, Civil Aeronautics Authority, \$498.45.

For air-navigation facilities, \$19.88.

For salaries and expenses, Civil Service Commission, \$2.50.

For Federal Power Commission, \$1.25.

For salaries and expenses, Federal Communications Commission, \$202.53.

For salaries and expenses, National Mediation Board, \$49.

For Securities and Exchange Commission, \$325.90.

For Chicago World's Fair Centennial Celebration, \$20.60.

For salaries, Office of Surgeon General, Public Health Service, 27 cents.

For National Industrial Recovery, Treasury, Public Health Service, \$1.81.

For pay of personnel and maintenance of hospitals, Public Health Service, \$214.11.

For wage records, Social Security Board, \$7.35.

For general expenses, Office of Education, \$2.70.

For National Industrial Recovery, Federal Emergency Administration of Public Works, \$707.24.

For repairs, preservation, and equipment, public buildings, Procurement Division, \$115.86.

For Army and Navy pensions, \$262.

For military and naval insurance, Veterans' Administration, \$143.75.

For medical and hospital services, Veterans' Bureau, \$235.26.

For salaries and expenses, Veterans' Administration, \$7,362.74.

Department of Agriculture: For salaries and expenses, Soil Conservation Service, \$30,589.69.

Department of Agriculture.

For salaries and expenses, Forest Service, \$337.65.

For salaries and expenses, Bureau of Agricultural Economics, \$561.12.

For salaries and expenses, Extension Service, \$10.43.

For salaries and expenses, Bureau of Plant Industry, \$4.47.

For salaries and expenses, Farm Credit Administration, \$2.08.

For salaries and expenses, Bureau of Entomology and Plant Quarantine, \$3.52.

For salaries and expenses, Bureau of Agricultural Engineering, \$49.99.

For salaries and expenses, Weather Bureau, \$4.73.

For salaries and expenses, Bureau of Animal Industry, \$46.89.

For National Industrial Recovery, Resettlement Administration, submarginal lands (transfer to Agriculture), \$7,364.21.

For emergency conservation fund (transfer from War to Agriculture, Act June 19, 1934), \$2,587.12.

48 Stat. 1055.

For emergency conservation fund (transfer from War to Agriculture, Act March 31, 1933), \$48.25.

48 Stat. 22.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture, \$4,131.

For acquisition of lands for protection of watersheds of navigable streams, \$481.99.

For National Industrial Recovery, Resettlement Administration, subsistence homesteads (transfer to Agriculture), \$41.75.

For agricultural credits and rehabilitation, emergency relief, \$94.63.

For farmers' crop production and harvesting loans, Farm Credit Administration, \$287.15.

For loans and relief in stricken agricultural areas (transfer to Farm Credit Administration), \$385.05.

For grasshopper control, \$20.79.

For plant reserve stations, Soil Conservation Service, \$20.63.

For loans and relief in stricken agricultural areas (transfer to Agriculture), \$98.68.

For elimination of diseased cattle, Department of Agriculture, \$171.53.

For conservation and use of agricultural land resources, Department of Agriculture, \$383.72.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Agriculture), \$13.59.

For working fund, Agriculture, Animal Industry (Agricultural Adjustment Administration), \$50.

For National Industrial Recovery, Interior, soil-erosion prevention (transfer to Agriculture), \$14.45.

For National Industrial Recovery, Agricultural Adjustment Administration, \$3.35.

For loans to farmers in drought- and storm-stricken areas, emergency relief, \$52.83.

Department of
Commerce.

Department of Commerce: For air-navigation facilities, \$347.55.

For salaries and expenses, Bureau of Marine Inspection and Navigation, \$3.63.

For research and development, National Bureau of Standards, \$34.

For National Industrial Recovery, Commerce, Aeronautics, \$6.23.

Department of the
Interior.

Department of the Interior: For National Park Service, \$5.68.

For Geological Survey, \$77.46.

For National Industrial Recovery, Interior, National Park Service, recreational-demonstration projects, \$225.75.

40 Stat. 1009.

For miscellaneous expenses, Bureau of Fisheries, \$10.30.

For operations under Mineral Act of October 5, 1918, \$11,962.57.

For National Industrial Recovery, Interior, oil regulations, \$5.27.

For salaries and expenses, Division of Grazing Control, Department of the Interior, \$200.

For general expenses, General Land Office, \$9.58.

For petroleum administration (transfer to Interior), \$2.76.

50 Stat. 72.

For salaries and expenses, National Bituminous Coal Commission,

Department of the Interior (transfer, Act April 26, 1937), \$9.20.

For salaries and expenses, Bureau of Biological Survey, \$5.42.

For salaries and expenses, Division of Investigations, Department of the Interior, \$2.50.

For temporary government for Virgin Islands, \$4.10.

For Reindeer Service, Alaska, \$42.79.

For protecting seal and salmon fisheries of Alaska, \$1.50.

49 Stat. 1601.

For emergency conservation work (transfer to Interior, Indians, Act June 22, 1936), \$423.83.

For construction, and so forth, irrigation systems, Indian reservations (reimbursable), \$71.01.

50 Stat. 10.

For emergency conservation work (transfer to Interior, Indians, Act February 9, 1937), \$4,469.87.

For support of Indians and administration of Indian property, \$1,407.07.

For agriculture and stock raising among Indians, \$123.20.

For fulfilling treaties with Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota, \$28.

For conservation of health among Indians, \$898.92.

For loans and relief in stricken agricultural areas (transfer from Agriculture to Interior, Indians), \$62.61.

For suppressing liquor traffic among Indians, \$6.95.

For clinical survey of disease conditions among Indians, \$179.98.

For Indian boarding schools, \$13.65.

For purchase and transportation of Indian supplies, \$2.64.

For irrigation, Indian reservations (reimbursable), \$31.01.

For expenses of organizing Indian corporations, and so forth, \$114.34.

For administration of Indian forests, \$8.20.

For Indian school support, \$518.83.

For pay of Indian police, \$2.60.

For emergency conservation fund (transfer from War to Interior, Indians, Act March 31, 1933), \$138.95.

48 Stat. 22.

Department of Justice: For salaries, fees, and expenses of marshals, United States courts, \$352.73.

Department of Justice.

For support of United States prisoners, \$702.35.

For miscellaneous expenses, United States courts, \$373.81.

For fees of jurors and witnesses, United States courts, \$55.

For salaries and expenses, Bureau of Prisons, \$4.95.

For fees of commissioners, United States courts, \$904.08.

For contingent expenses, Department of Justice, \$85.56.

For printing and binding, Department of Justice and courts, \$260.05.

For salaries and expenses, Federal Bureau of Investigation, \$49.92.

For United States Industrial Reformatory, Chillicothe, Ohio, maintenance, \$1,021.32.

For pay of special assistant attorneys, United States courts, \$1.75.

For fees and expenses of conciliation commissioners, United States courts, \$125.

For United States Northeastern Penitentiary, maintenance, \$28.03.

District of Columbia: For miscellaneous expenses, Supreme Court, District of Columbia, \$35.

District of Columbia.

For National Training School for Girls, District of Columbia, \$5.

Department of Labor: For grants to States for services for crippled children, Social Security Act, Children's Bureau, \$2,541.56.

Department of Labor.

For salaries and expenses, Immigration and Naturalization Service, \$18.56.

For salaries and expenses, Bureau of Labor Statistics, \$2.80.

For salaries and expenses, commissioners of conciliation, \$3.25.

Navy Department: For miscellaneous expenses, Navy, \$67.

Navy Department.

For transportation, Bureau of Navigation, \$28.65.

For engineering, Bureau of Engineering, \$236,494.94.

For pay of the Navy, \$162.39.

For pay, subsistence, and transportation, Navy, \$7,409.08.

For maintenance, Bureau of Supplies and Accounts, \$747.34.

For aviation, Navy, \$52,830.76.

For pay, Marine Corps, \$177.19.

For general expenses, Marine Corps, \$5.06.

For prize money to captors, Spanish War, \$26.99.

For ordnance and ordnance stores, Bureau of Ordnance, \$71,112.47.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Navy), \$918.75.

For increase of the Navy, emergency construction, \$20,645.74.

For maintenance, Bureau of Yards and Docks, \$5.90.

For care of the dead, Bureau of Medicine and Surgery, \$2.50.

For relief of claimants, explosion at naval ammunition depot, Lake Denmark, New Jersey, \$15.

For organizing the Naval Reserve, \$6.72.

Department of State: For transportation of Foreign Service officers, \$1,285.24.

Department of State.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (State), \$539.45.

For contingent expenses, Department of State, \$9.

For transportation of families and effects of officers and employees, Bureau of Foreign and Domestic Commerce, \$30.

For Special Mexican Claims Commission, \$8.12.

For contingent expenses, Foreign Service, \$70.

For office and living quarters, Foreign Service, \$9.62.

Treasury Department.

Treasury Department: For collecting the internal revenue, \$267.54.

For contingent expenses, Coast Guard, \$168.46.

For general expenses, Lighthouse Service, \$21.44.

For suppressing counterfeiting and other crimes, \$54.30.

For pay and allowances, Coast Guard, \$664.21.

For Coast Guard, \$194.47.

For contingent expenses, Treasury Department, \$135.25.

For repairs to Coast Guard vessels, \$5.70.

For salaries and expenses, Bureau of Narcotics, \$30.27.

For salaries and expenses, Bureau of Engraving and Printing, \$4.83.

For special projects, Lighthouse Service, \$475.

For outfits, Coast Guard, \$1.12.

For retired pay, Lighthouse Service, \$42.25.

For salaries and expenses, Division of Disbursement, \$21.22.

For collecting the revenue from customs, \$9.96.

For stationery, Treasury Department, \$10.35.

49 Stat. 1755.

For salaries and administrative expenses, section 915, Revenue Act of 1936 (transfer from exportation and domestic consumption of agricultural commodities, Department of Agriculture, 1936), \$18.31.

For debentures or drawbacks, bounties or allowances (Customs), \$106.19.

For furniture and repairs of same for public buildings, Procurement Division, \$41.40.

40 Stat. 84.

For medical and hospital service, penal institutions (Justice transfer to Treasury, Public Health Service, Act of March 22, 1935), 55 cents.

For quarantine service, \$13.66.

For repairs, preservation, and equipment, public buildings, Procurement Division, \$2.29.

For pay of personnel and maintenance of hospitals, Public Health Service, \$17.15.

War Department.

War Department: For general appropriations, Quartermaster Corps, \$31,730.76.

For pay of the Army, \$15,905.95.

For pay, and so forth, of the Army, \$9,638.16.

For Army transportation, \$899.34.

For subsistence of the Army, \$938.07.

For National Guard, \$1,387.21.

For barracks and quarters, Army, 24 cents.

For replacing Army transportation, \$161.94.

For travel, military and civil personnel, War Department, \$1.50.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (War), \$259.89.

For pay, and so forth, of the Army, War with Spain, \$4.62.

For supplies, services, and transportation, Quartermaster Corps, \$153.53.

For repairs of arsenals, Army, 5 cents.

For claims of officers and men of the Army for destruction of private property, \$68.33.

For medical and hospital department, Army, \$130.53.

For ammunition-storage facilities, Army, \$13.83.

For Reserve Officers' Training Corps, \$276.87.

For registration and selection for military service, \$16.

For Air Corps, Army, \$80.

For special field exercises, Army, \$49.05.

For Organized Reserves, \$525.87.

For ordnance service and supplies, Army, \$195.14.

For travel of the Army, \$639.67.

For clothing and equipage, Army, \$90.73.

For replacing clothing and equipage, \$851.85.

For increase of compensation, Military Establishment, \$2,386.89.

For replacing ordnance and ordnance stores, \$173.20.

For seacoast defenses, \$349.84.

For working fund, War, Chemical Warfare Service (Navy, construction and repair), \$2,016.98.

For engineer service, \$746.55.

For pay of National Guard for armory drills, \$9.20.

For cemeterial expenses, War Department, \$1.31.

For payment of claimants under Public Act Numbered 436, February 11, 1936, War Department, \$105.42. 49 Stat. 1107.

For emergency conservation fund (transfer to War, Act March 31, 1933), including \$141.66 for this purpose under the heading "Emergency Relief" on page 102 of House Document Numbered 627, \$2,004.63. 48 Stat. 22.

For emergency conservation fund (transfer to War, Act June 19, 1934), \$875.15. 48 Stat. 1055.

For emergency conservation fund (transfer to War, Act March 31, 1933), \$5.83. 48 Stat. 22.

For loans and relief in stricken agricultural areas (transfer from emergency conservation work to War, Act June 19, 1934), \$442.56. 48 Stat. 1055.

For emergency conservation work (transfer to War, Act June 22, 1936), \$3,770.70. 49 Stat. 1601.

For emergency conservation work (transfer to War, Act February 9, 1937), including \$15.37 for this purpose under the heading "Emergency Relief" on page 102 of House Document Numbered 627, \$3,908.79. 50 Stat. 10.

Emergency Relief: For emergency relief, Resettlement Administration, flood control and other conservation (transfer to Agriculture), \$302.19. Emergency relief.

For emergency relief, Resettlement Administration, rural rehabilitation, loans and relief to farmers, and so forth (transfer to Agriculture), \$702.96.

For emergency relief, Resettlement Administration, sanitation, prevention of soil erosion, and so forth (transfer to Agriculture), \$21,823.54.

For emergency relief, Agriculture, Soil Conservation Service, \$154.60.

For emergency relief, Works Progress Administration (non-Federal projects approved prior to June 22, 1936), \$11,344.84.

For emergency relief, Works Progress Administration, grants to States, and so forth, \$4,614.97.

For emergency relief, conservation work, War, Civilian Conservation Corps, \$3,191.45.

For emergency relief, Resettlement Administration, administrative expenses (transfer to Agriculture), \$1,396.46.

For emergency relief, Agriculture, Forest Service, forestation, and so forth, \$5,681.45.

For emergency relief, Works Progress Administration, assistance for educational, professional, and clerical persons, \$1,492.09.

For emergency relief, Works Progress Administration, public buildings, \$1,061.34.

For emergency relief, Works Progress Administration, parks and recreational facilities, \$4,392.94.

For emergency relief, Agriculture, administrative expenses, \$206.56.

For emergency relief, Agriculture, Animal Industry, \$11.49.

For emergency relief, Works Progress Administration, highways, roads, and streets, \$1,271.86.

For emergency relief, Works Progress Administration, public buildings (Federal projects), \$25.40.

For emergency relief, Works Progress Administration, miscellaneous work projects (Federal projects), \$19.54.

For emergency relief, Works Progress Administration, public utilities, and so forth, \$3,118.49.

For emergency relief, Agriculture, Biological Survey, \$551.40.

For emergency relief, Agriculture, Soil Conservation Service, flood control and other conservation, \$5.49.

For emergency relief, Treasury, administrative expenses, \$16.54.

For emergency relief, Navy, yards and docks, \$94.

For emergency relief, Interior, Indians, loans and grants to Indians for rehabilitation, \$15.25.

For emergency relief, Emergency Conservation Work, Interior, Indians, miscellaneous projects, Indian reservations, \$601.21.

For emergency relief, Works Progress Administration, forestation, prevention of soil erosion, and so forth, \$40.67.

For emergency relief, Works Progress Administration, women's projects, \$2.47.

For emergency relief, Works Progress Administration, National Youth Administration, non-Federal projects, \$17.03.

For emergency relief, Works Progress Administration, work-relief projects, \$15.15.

For emergency relief, Agriculture, Forest Service, parks and recreational facilities, \$2.96.

For emergency relief, Agriculture, Forest Service, flood control and other conservation, \$7.

For emergency relief, Agriculture, agricultural economics, assistance for educational, professional, and clerical persons, \$1.25.

For emergency relief, Resettlement Administration, rural rehabilitation (transfer to Agriculture), \$981.61.

For emergency relief, Agriculture, Biological Survey, flood control and other conservation, \$21.10.

For emergency relief, Interior, Puerto Rico Reconstruction Administration, public buildings, \$527.47.

For emergency relief, Interior, Office of Education, grants to States, and so forth, \$3.30.

For emergency relief, War, Quartermaster Corps, construction and improvement of buildings, and so forth, \$947.44.

For emergency relief, War, rivers and harbors, flood control, and so forth, \$347.43.

For emergency relief, War, Office of Chief of Staff, work-relief projects, \$41.80.

For emergency relief, emergency conservation work, War, Civilian Conservation Corps, including \$2.55 for this purpose under the heading "War Department" on page 88 of House Document Numbered 627, \$1,141.69.

For emergency relief, Treasury, Coast Guard, \$1,958.50.

For emergency relief, emergency conservation work, Interior, National Park Service, acquisition of land adjacent to Petersburg National Military Park, \$600.

For emergency relief, Interior, Office of Education, assistance for educational, professional, and clerical persons, \$7.60.

For emergency relief, Treasury, Public Health Service, assistance for educational, professional, and clerical persons, \$113.28.

For emergency relief, Works Progress Administration, public utilities, and so forth (Federal projects), \$12.18.

For emergency relief, Works Progress Administration, miscellaneous work projects, \$18.77.

For emergency relief, Interior, National Park Service, sanitation, prevention of soil erosion, and so forth, \$1,065.56.

For emergency relief, Interior, National Park Service, parks and recreational facilities, non-Federal projects, \$490.88.

For emergency relief, Interior, National Park Service, flood control and other conservation, \$3.53.

For emergency relief, Interior, National Park Service, \$9,545.83.

For emergency relief, Interior, National Park Service, parks and recreational facilities, \$25.19.

For emergency relief, Works Progress Administration, flood control and other conservation, \$56.21.

For emergency relief, Works Progress Administration, administrative expenses, \$23.15.

For emergency relief, Interior, Puerto Rico Reconstruction Administration, flood control and other conservation (Federal projects), \$68.25.

Post Office Department—Postal Service—(out of the postal revenues): For city delivery carriers, \$173.85.

Post Office Department.

For clerks, first- and second-class post offices, \$52.94.

For compensation to postmasters, \$513.74.

For contract air-mail service, \$85,999.44.

For foreign mail transportation, \$8.68.

For freight, express, or motor transportation of equipment, and so forth, \$1.20.

For furniture, carpets, and safes for public buildings, Post Office Department, \$5.64.

For indemnities, domestic mail, \$369.65.

For miscellaneous items, first- and second-class post offices, \$11.

For operating force for public buildings, Post Office Department, \$20.

For operating supplies for public buildings, Post Office Department, \$1.92.

For post-office stationery, equipment, and supplies, \$20.

For railroad transportation and mail-messenger service, \$16.77.

For Railway Mail Service, salaries, \$98.01.

For Railway Mail Service, miscellaneous expenses, \$51.80.

For rent, light, and fuel, \$140.19.

For Rural Delivery Service, \$431.59.

For separating mails, \$130.35.

For special-delivery fees, \$7.79.

For temporary clerk hire, \$4.

For transportation of equipment and supplies, \$379.51.

For vehicle service, \$10.55.

Total, audited claims, section 204 (a), \$732,831.77, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency and interest as specified in certain of the settlements of the General Accounting Office.

Total; additional sum, increases in rates of exchange.

(b) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of

Additional audited claims.

18 Stat. 110.	section 5 of the Act of June 20, 1874 (31 U. S. C. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1937 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (5 U. S. C. 266), as fully set forth in Senate Document Numbered 157, Seventy-sixth Congress, there is appropriated as follows:
Independent Offices.	Independent Offices: For Thomas Jefferson Memorial Commission, \$64.65.
40 Stat. 1009.	For operations under Mineral Act of October 5, 1918, \$4,161.24. For medical and hospital services, Veterans' Bureau, \$29.40. For vocational rehabilitation, Veterans' Bureau, 40 cents. For salaries and expenses, Veterans' Administration, \$1,890.73.
Federal Security Agency.	Federal Security Agency: For pay of personnel and maintenance of hospitals, Public Health Service, \$33.41. For medical and hospital services, penal institutions (Justice, transfer to Treasury, Public Health Service, Act March 22, 1935), 70 cents.
49 Stat. 84.	
Federal Works Agency.	Federal Works Agency: For National Industrial Recovery, Federal Emergency Administration of Public Works, \$16.25. For repairs, preservation, and equipment, public buildings, Procurement Division, 50 cents.
Department of Agriculture.	Department of Agriculture: For salaries and expenses, Forest Service, \$173.74. For salaries and expenses, Bureau of Animal Industry, \$37.22. For exportation and domestic consumption of agricultural commodities, Department of Agriculture, \$1,196.79. For National Industrial Recovery, Resettlement Administration, submarginal lands (transfer to Agriculture), \$1,568.80. For National Industrial Recovery, Interior, soil-erosion prevention (transfer to Agriculture), \$15.25.
48 Stat. 1055.	For emergency conservation fund (transfer from War to Agriculture, Act June 19, 1934), \$1,681.46. For National Industrial Recovery, Agricultural Adjustment Administration, \$46.72.
Department of Commerce.	Department of Commerce: For salaries and expenses, Bureau of Marine Inspection and Navigation, \$49.25. For testing, inspection, and information service, National Bureau of Standards, \$495.
Department of the Interior.	Department of the Interior: For National Industrial Recovery, Interior, oil regulation, \$23.06.
40 Stat. 1009.	For operations under Mineral Act of October 5, 1918, \$58.88. For Indian school support, \$10.26. For conservation of health among Indians, \$19.50. For emergency conservation work (transfer to Interior, Indians, Act February 9, 1937), \$177.38.
50 Stat. 10.	
Department of Justice.	Department of Justice: For fees of jurors and witnesses, United States courts, \$7.80. For salaries, fees, and expenses of marshals, United States courts, \$457.76. For salaries and expenses, Division of Investigation, \$168.76.
Department of Labor.	Department of Labor: For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Labor), \$15.43.
Navy Department.	Navy Department: For transportation, Bureau of Navigation, \$140.40. For pay, subsistence, and transportation, Navy, \$11.83. For maintenance, Bureau of Supplies and Accounts, \$125.93. For aviation, Navy, \$47.25.

For pay, Marine Corps, \$104.61.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Navy), \$187.01.

For increase of the Navy, emergency construction, \$32,613.23.

For care of the dead, Bureau of Medicine and Surgery, \$25.

For organizing the Naval Reserve, \$3.60.

Department of State: For transportation of Foreign Service officers, \$690.11. Department of State.

For salaries, Foreign Service officers, \$953.16.

For office and living quarters, Foreign Service, \$45.83.

Treasury Department: For salaries, lighthouse vessels, \$7.59. Treasury Department.

For general expenses, Lighthouse Service, \$3.85.

For collecting the internal revenue, \$128.42.

For salaries and expenses, Bureau of Narcotics, 86 cents.

For collecting the revenue from customs, 50 cents.

War Department: For general appropriations, Quartermaster Corps, \$8,345.46. War Department.

For pay, and so forth, of the Army, \$1,873.04.

For Air Corps, Army, \$152.57.

For increase of compensation, Military Establishment, \$147.22.

For pay of the Army, \$8,478.97.

For travel of the Army, \$256.67.

For Engineer Service, \$1.70.

For National Guard, \$230.40.

For Organized Reserves, \$6.43.

For library, Surgeon General's Office, \$1.06.

For supplies, services, and transportation, Quartermaster Corps, \$2.94.

For Reserve Officers' Training Corps, \$43.79.

For clothing and equipage, Army, \$13.63.

For Army transportation, \$33.75.

For ordnance service and supplies, Army, \$289.61.

For Chemical Warfare Service, Army, \$4.99.

For subsistence of the Army, \$33.64.

For cemeterial expenses, War Department, \$1.53.

For emergency conservation fund (transfer to War, Act March 31, 1933), \$2.57. 48 Stat. 22.

For emergency conservation fund (transfer to War, Act June 19, 1934), \$208.21. 48 Stat. 1055.

For loans and relief in stricken agricultural areas (transfer from emergency conservation work to War, Act June 19, 1934), \$94.13.

For emergency conservation work (transfer to War, Act June 22, 1936), \$261.53. 49 Stat. 1601.

For emergency conservation work (transfer to War, Act February 9, 1937), \$111.82. 50 Stat. 10.

Emergency Relief: For emergency relief, Agriculture, Biological Survey, flood control and other conservation, \$9.50. Emergency relief.

For emergency relief, Agriculture, Forest Service, forestation, and so forth, \$615.

For emergency relief, Agriculture, Soil Conservation Service, \$23.57.

For emergency relief, Agriculture, administrative expenses, \$16.10.

For emergency relief, Resettlement Administration, rural rehabilitation (transfer to Agriculture), \$538.74.

For emergency relief, Resettlement Administration, sanitation, prevention of soil erosion, and so forth (transfer to Agriculture), \$3,059.69.

For emergency relief, Emergency Conservation Work, Interior, Indians, miscellaneous projects, Indian reservations, \$8.40.

For emergency relief, Resettlement Administration, flood control and other conservation (transfer to Agriculture), \$343.72.

For emergency relief, Resettlement Administration, rural rehabilitation, loans and relief to farmers, and so forth (transfer to Agriculture), \$15.60.

For emergency relief, Interior, National Park Service, sanitation, prevention of soil erosion, and so forth, \$350.

For emergency relief, Treasury, Public Health Service, assistance for educational, professional, and clerical persons (certified claims), \$3.81.

For emergency relief, Treasury, administrative expenses, \$1.07.

For emergency relief, Emergency Conservation Work, War, Civilian Conservation Corps, \$284.83.

For emergency relief, War, Corps of Engineers, flood control and other conservation (non-Federal projects), \$103.25.

For emergency relief, Works Progress Administration, National Youth Administration (non-Federal projects), \$51.50.

For emergency relief, Works Progress Administration, grants to States, and so forth, \$943.94.

For emergency relief, Works Progress Administration (non-Federal projects, approved prior to June 22, 1936), \$427.57.

For emergency relief, Works Progress Administration, highways, roads, and streets, \$44.52.

For emergency relief, Works Progress Administration, public buildings, \$25.75.

For emergency relief, Works Progress Administration, public utilities, and so forth, \$18.40.

For emergency relief, Resettlement Administration, administrative expenses (transfer to Agriculture), \$36.

For emergency relief, Works Progress Administration, forestation, prevention of soil erosion, and so forth, \$2.25.

For emergency relief, Works Progress Administration, administrative expenses, 41 cents.

Post Office Department.

Post Office Department—Postal Service (out of the postal revenues): For foreign mail transportation, \$20,456.83.

For transportation of equipment and supplies, \$30.06.

For operating supplies for public buildings, Post Office Department, \$162.81.

For rent, light, and fuel, \$115.

Total; additional sum, increases in rates of exchange.

Total, audited claims section 204 (b), \$95,773.50, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency and interest as specified in certain of the settlements of the General Accounting Office.

War with Spain.
Payment of claims.
30 Stat. 784; 31 Stat.
205.

48 Stat. 1226.

SEC. 205. For the payment of claims allowed by the General Accounting Office pursuant to the Acts of January 12, 1899, and May 26, 1900, which have been certified to Congress under the Permanent Appropriations Repeal Act, approved June 26, 1934 (31 U. S. C. 725b), in Senate Document Numbered 159, and House Document Numbered 624, Seventy-sixth Congress, \$247.20.

Short title.

SEC. 206. This Act may be cited as the "First Deficiency Appropriation Act, 1940".

Approved, April 6, 1940.

[CHAPTER 78]

JOINT RESOLUTION

To approve the action of the Secretary of the Interior in deferring the collection of certain irrigation charges against lands under the Blackfeet Indian irrigation project.

April 11, 1940
[S. J. Res. 153]
[Pub. Res., No. 60]

Whereas the Act of Congress approved June 22, 1936 (49 Stat. 1803), provides that the Secretary of the Interior may adjust, defer, or cancel irrigation charges against non-Indian-owned lands within Indian irrigation projects, where conditions are found to justify such action, subject to the approval of Congress; and

Blackfeet Indian irrigation project, Mont.
25 U. S. C., Supp. V, § 389.

Whereas an investigation of conditions affecting the Blackfeet Indian irrigation project, Montana, is contemplated within the near future pursuant to the provisions of the said Act; and

Whereas the Secretary of the Interior has deferred certain irrigation charges against lands of the said project which are now delinquent or will become due and payable before the proposed investigation can be completed: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with the Act of June 22, 1936 (49 Stat. 1803), the action of the Secretary of the Interior in deferring such charges under said irrigation project is hereby approved.

Deferment of certain irrigation charges, approval.

Approved, April 11, 1940.

[CHAPTER 79]

AN ACT

To amend section 40 of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended.

April 11, 1940
[S. 607]
[Public, No. 448]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 40 of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, is amended by inserting after the words "Panama Railroad Company" the following: "and all persons, other than independent contractors and their employees, employed on the Menominee Indian Reservation in the State of Wisconsin, subsequent to September 7, 1916, in operations conducted pursuant to the Act entitled 'An Act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin', approved March 28, 1908, as amended, or any other Act relating to tribal timber and logging operations on the Menominee Reservation".

U. S. Employees' Compensation Act, amendment.

39 Stat. 750.
5 U. S. C., § 700; Supp. V, § 790.
Application to employees of Menominee Indian Reservation, Wis.

35 Stat. 51; 36 Stat. 1076; 40 Stat. 589.

SEC. 2. Any award heretofore made by the United States Employees' Compensation Commission under such Act of September 7, 1916, to persons coming within the purview of the first section hereof, for disability or death resulting from a personal injury sustained prior to the enactment of this Act, shall be valid, if such award would be valid if made in respect to an injury or death sustained after the enactment of this Act. Claim on account of disability or death of any person coming within the purview of the first section hereof, for benefits on account of injury incurred subsequent to July 28, 1935, may be filed under said Act: *Provided*, That such claim be filed within one year after the approval hereof.

Provisions retro-active.

Injury incurred since July 28, 1935.

Proviso.
Time for filing claim.

Approved, April 11, 1940.

[CHAPTER 80]

AN ACT

April 11, 1940
[S. 2609]

[Public, No. 449]

Crow Indian Reservation, Mont.
Period of trust on certain allotments extended.

Proviso.
Further extension permitted.
25 U. S. C. §§ 348, 391.

To reimpose the trust on certain lands allotted to Indians of the Crow Tribe, Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the period of trust on lands allotted to Indians of the Crow Reservation, Montana, upon which the trust period expired July 14, 1931, or at any other time prior to the approval of this Act, and for which lands patents in fee have not been issued, is hereby reimposed and extended to May 23, 1940: *Provided,* That further extension of the period of trust may be made by the President, in his discretion, as provided by section 5 of the Act of February 8, 1887 (24 Stat. 388), and the Act of June 21, 1906 (34 Stat. 326).

Approved, April 11, 1940.

[CHAPTER 81]

AN ACT

April 11, 1940
[S. 2689]

[Public, No. 460]

Copyrights.
35 Stat. 1083.
17 U. S. C. § 33.

Prevention of importation of prohibited articles.
Regulations.

Certificate of deposit to be filed.

35 Stat. 1078.
17 U. S. C. § 12.
Notice to postmasters, etc.; purpose.

35 Stat. 1082.
17 U. S. C. §§ 30, 31.

To amend section 33 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright", approved March 4, 1909, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 33 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright", approved March 4, 1909, is amended to read as follows:

"SEC. 33. That the Secretary of the Treasury and the Postmaster General are hereby empowered and required to make and enforce individually or jointly such rules and regulations as shall prevent the importation into the United States of articles prohibited importation by this Act, and may require, as conditions precedent to exclusion of any work in which copyright is claimed, the copyright proprietor or any person claiming actual or potential injury by reason of actual or contemplated importations of copies of such work to file with the Post Office Department or the Treasury Department a certificate of the Register of Copyrights that the provisions of section 12 of this Act, as amended, have been fully complied with, and to give notice of such compliance to postmasters or to customs officers at the ports of entry in the United States in such form and accompanied by such exhibits as may be deemed necessary for the practical and efficient administration and enforcement of the provisions of sections 30 and 31 of this Act."

Approved, April 11, 1940.

[CHAPTER 82]

AN ACT

April 11, 1940
[S. 2977]

[Public, No. 451]

Stansbury Creek.
Dike, etc., authorized across, in Baltimore County, Md.

30 Stat. 1151.
33 U. S. C. § 401.

Authorizing the construction and maintenance of a dike or dam across Stansbury Creek in Baltimore County, Maryland.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Glenn L. Martin Company and its successors and assigns to construct and maintain a dike or dam across Stansbury Creek at a point suitable to the interests of navigation about five-eighths mile above the mouth of Stansbury Creek in the county of Baltimore in the State of Maryland, in accordance with the provisions of section 9 of the River and Harbor Act of March 3, 1899.

Approved, April 11, 1940.

[CHAPTER 83]

AN ACT

Granting the consent of Congress to the Mississippi State Highway Commission to construct, maintain, and operate a free highway bridge across the Pearl River at or near Carthage, in the State of Mississippi.

April 11, 1940
[S. 3209]

[Public, No. 452]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Mississippi State Highway Commission to construct, maintain, and operate a free highway bridge and approaches thereto across the Pearl River, at a point suitable to the interests of navigation, at or near Carthage, Leake County, Mississippi, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Pearl River.
Bridge authorized
across, at Carthage,
Miss.

34 Stat. 84.
33 U. S. C. §§ 491-
493.

Right reserved.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 11, 1940.

[CHAPTER 96]

JOINT RESOLUTION

To extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

April 12, 1940

[H. J. Res. 407]

[Pub. Res., No. 61]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period during which the President is authorized to enter into foreign-trade agreements under section 350 of the Tariff Act of 1930, as amended by the Act (Public, Numbered 316, Seventy-third Congress) approved June 12, 1934, is hereby extended for a further period of three years from June 12, 1940.

Foreign-trade
agreements.
Authority of the
President to enter in-
to, extended.
48 Stat. 943.
19 U. S. C. §§ 1351-
1354; Supp. V, §§ 1351,
1352.

Approved, April 12, 1940.

[CHAPTER 97]

AN ACT

To amend the joint resolution creating the Niagara Falls Bridge Commission.

April 12, 1940
[H. R. 9016]

[Public, No. 453]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution creating the Niagara Falls Bridge Commission and authorizing said Commission to construct, maintain, and operate a bridge across the Niagara River at or near the city of Niagara Falls, New York, approved June 16, 1938 (52 Stat. 767, ch. 490), as amended by the Act of July 25, 1939 (53 Stat. 1083), be, and is hereby, amended as follows:

Niagara Falls
Bridge Commission.

Provisions relating
to, amended.

Insert in the third from last sentence of section 4 of said joint resolution, between the words "for" and "twenty-four months", the words "not exceeding".

Interest.

SEC. 2. Section 6 of said joint resolution, as amended, is further amended in its entirety so as to read as follows:

"SEC. 6. Title to the bridge structure, exclusive of the approaches thereto, shall remain in the Commission until payment of the bonds and the interest thereon, or until a sinking fund sufficient for such payment shall have been provided and shall be held for that purpose, whereupon title to said bridge shall be conveyed to the State of New York and to the Canadian interests in the manner hereinafter provided. When, however, the State of New York shall be authorized by law to accept the same the Commission shall deliver to said State

Title to bridge struc-
ture.

Conveyance of in-
terests.

Exception.	deeds or other suitable instruments of conveyance of the interests of the Commission in all properties or rights situated in said State theretofore acquired, other than said bridge structure, and title to all properties or interests in properties situated in the State of New York thereafter acquired, other than said bridge structure, shall be taken by the Commission in the name of said State; and when the Dominion of Canada, or any province, municipality, or agency thereof (herein referred to as the Canadian interests), shall be authorized by law to accept the same, the Commission shall deliver to such Canadian interests deeds or other suitable instruments of conveyance of the interests of the Commission in all properties or rights situated in the Dominion of Canada theretofore acquired, other than said bridge structure, and title to all properties or interests in properties situated in the Dominion of Canada thereafter acquired shall be taken by the Commission in the name of such Canadian interests. All such conveyances shall be subject to the following conditions:
Rights and functions of Commission. Bridge construction; time limitation.	“(a) That the Commission shall have the right to the use of all such properties for the construction and operation of the bridge. Any Act to the contrary notwithstanding, the Commission shall commence the construction of such bridge on or before June 17, 1940, and shall complete said bridge within three years from said date;
Operation; application of revenues.	“(b) That the Commission shall have the exclusive right to operate such bridge and shall be entitled to receive and apply the revenues derived from the operation of said bridge in the manner provided in said Act of June 16, 1938, and Acts amendatory thereof, so long as any bonds or the interest thereon, payable out of such revenues, shall remain unpaid;
52 Stat. 769; 53 Stat. 1083.	“(c) That upon payment of all bonds issued by the Commission and the interest thereon, or after a sinking fund sufficient for such payment shall have been provided and held for that purpose, the Commission shall deliver deeds or other suitable instruments of conveyance of all title and interest of the Commission in and to that part of the bridge which is located within the United States to the State of New York, and shall deliver deeds or other instruments of conveyance of all title and interest in the Commission in that part of the bridge which is located within the Dominion of Canada to the Canadian interests, and thereafter the bridge shall be maintained and operated by the State of New York and by the Canadian interests in such manner as they may agree upon as a free, public bridge.
Conveyance of title, etc., upon payment of bonds.	“If either the State of New York or the Canadian interests shall not be authorized to accept title to the above-described properties under such conditions, then title to all such properties shall be in the Commission, and after payment of the bonds issued by the Commission and the interest thereon, the Commission shall continue to own, maintain, and operate the bridge, and shall charge rates of tolls which shall be so adjusted as to provide a fund not exceeding the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management.
Operation by Commission; condition.	“The bridge hereby authorized or the income therefrom shall be subject to Federal, State, municipal, or local taxation only to the extent that a like structure or the income therefrom owned and operated by a public authority or public agency of the State of New York shall be subject to taxation. The bonds or obligations of the Commission, from time to time outstanding, and the income derived therefrom shall be subject to taxation in the hands of the holders thereof.”
Taxation.	SEC. 3. That portion of section 8 of said public joint resolution as so amended be further amended by striking out the third sentence thereof reading, “After all bonds and interest thereon * * * Niagara Falls, Ontario, Canada”, and substituting in lieu thereof:
Bonds, etc.	
52 Stat. 770; 53 Stat. 1083.	

"If the Commission shall have conveyed all of its properties and rights to the State of New York and to the Canadian interests, as provided in section 6 hereof, the Commission shall be dissolved and shall cease to have further existence, after all bonds issued by the Commission and the interest thereon shall have been paid, and all other obligations of the Commission paid or discharged, or provision for all such payments shall have been made, as hereinbefore provided. In the event that construction of such bridge is not commenced by the Commission and carried to completion within the times prescribed by section 6 hereof, the Commission shall be dissolved and shall cease to have further existence by an order of the comptroller of the State of New York, made on his own initiative or upon application of the Commission or any member or members thereof, but only after a public hearing in the city of Niagara Falls, notice of the time and place of which hearing and the purpose thereof shall have been published once, at least thirty days before the date thereof in a newspaper published in the city of Niagara Falls, New York, and in a newspaper published in the city of Niagara Falls, Ontario, Canada."

Approved, April 12, 1940.

Dissolution.

[CHAPTER 100]

AN ACT

To provide for terms of the District Court of the United States for the Western District of Arkansas at Fayetteville.

April 17, 1940
[H. R. 7421]
[Public, No. 454]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (a), (b), and (c) of section 71 of the Judicial Code, as amended (U. S. C., title 28, sec. 144 (a), (b), and (c)), be and they are hereby, amended to read as follows:

Judicial Code,
amendments.
36 Stat. 1106.
Post, p. 302.

"SEC. 71. (a) The State of Arkansas is divided into two districts, to be known as the western and eastern districts of Arkansas.

Arkansas judicial
districts.

"(b) The western district shall include five divisions constituted as follows: The Texarkana division, which shall include the territory embraced on July 1, 1920, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, and Nevada; the El Dorado division, which shall include the territory embraced on such date in the counties of Columbia, Ouachita, Union, Ashley, Bradley, and Calhoun; the Fort Smith division, which shall include the territory embraced on such date in the counties of Polk, Scott, Logan, Sebastian, Franklin, Crawford, and Johnson; the Harrison division, which shall include the territory embraced on such date in the counties of Baxter, Boone, Carroll, Marion, Newton, and Searcy; and the Fayetteville division, which shall include the territory embraced on such date in the counties of Benton, Madison, and Washington.

Western district.
Texarkana division.

El Dorado division.

Fort Smith division.

Harrison division.

Fayetteville divi-
sion.

"(c) Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the El Dorado division, at El Dorado on the third Mondays in April and October; for the Fort Smith division, at Fort Smith on the second Mondays in January and June; for the Harrison division, at Harrison on the first Mondays in April and October; and for the Fayetteville division at Fayetteville on the second Mondays in March and October: *Provided*, That suitable rooms and accommodations for holding court at Fayetteville are furnished without expense to the United States: *And provided further*, That nothing in this section shall be construed to prevent the provision of quarters for the officers

Terms of court.

Provisos.
Rooms, etc., at Fay-
etteville.
Accommodations in
new Federal building.

of said court and appropriate courtrooms for the holding of the sessions of said court in any new Federal building which may be constructed in Fayetteville."

Approved, April 17, 1940.

[CHAPTER 101]

AN ACT

April 17, 1940
[H. R. 8702]
[Public, No. 455]

To amend the Judicial Code with respect to the continuation of grand juries to finish investigations.

Judicial Code,
amendment.
36 Stat. 267.
28 U. S. C., Supp.
V, § 421.
Continuation of
grand juries to finish
investigations.

Proviso.
Court may excuse
juror for good cause
shown.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fifth sentence of section 284 of the Judicial Code as amended (U. S. C., title 28, sec. 421), be, and it is hereby, amended to read as follows: "A district judge may, upon request of the district attorney or of the grand jury or on his own motion, by order authorize any grand jury to continue to sit during the term succeeding the term at which such request is made, solely to finish investigations begun but not finished by such grand jury, but no grand jury shall be permitted to sit in all during more than eighteen months: *Provided,* That, for good cause shown, the court may, at any time after the end of the term for which the grand jury was originally summoned, excuse any member of the grand jury and summon and impanel another person in his place."

Approved, April 17, 1940.

[CHAPTER 104]

AN ACT

April 18, 1940
[S. 8174]
[Public, No. 456]

To authorize the Secretary of the Navy to accept, without cost to the United States, a fee-simple conveyance of sixteen and four-tenths acres, more or less, of land at Floyd Bennett Field in the city and State of New York.

New York, N. Y.
Acceptance of land
at Floyd Bennett
Field for naval sea-
plane base authorized.

Proviso.
Title, conveyance,
etc.

Rights included.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized to accept on behalf of the United States of America, from the city of New York, free of all encumbrances, and without cost to the United States Government, a tract of land containing sixteen and four-tenths acres, more or less, at Floyd Bennett Field in the city and State of New York, for use as a naval seaplane base: *Provided,* That the title to said land shall be satisfactory to the Attorney General and that the conveyance of said land shall be made to the United States of America and shall include the right of access for wheeled vehicles to the land conveyed from the highway bordering the said Floyd Bennett Field property on the westward, known as Flatbush Avenue; also the right of access over adjoining lands of Floyd Bennett Field for the purpose of transporting dredge material to be taken from the submerged or tidal lands adjacent to lands of Floyd Bennett Field for filling the land to be conveyed to a grade conforming to present grades of the Coast Guard reservation and the said Floyd Bennett Field, and also the right to lay, construct, and maintain through the Floyd Bennett Field property water lines, electric lines, telephone lines, gas lines, and other services as the Navy Department may find necessary for its proper and convenient use of the property acquired pursuant to the provisions hereof.

Approved, April 18, 1940.

[CHAPTER 105]

AN ACT

To amend section 6 of the Organic Act of Alaska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act entitled “An Act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes”, approved August 24, 1912 (37 Stat. 512), is hereby amended to read as follows:

“SEC. 6. CONVENING AND SESSIONS OF LEGISLATURE.—The Legislature of Alaska shall convene at the capitol at the city of Juneau, Alaska, on the fourth Monday in January in the year 1941 and on the fourth Monday in January every two years thereafter; but the said legislature shall not continue in session longer than sixty days in any two years unless again convened in extraordinary session by a proclamation of the Governor, which shall set forth the object thereof and give at least fifteen days’ notice in writing or by telegram or radiogram to each member of said legislature, and in such case shall not continue in session longer than thirty days. The Governor of Alaska is hereby authorized to convene the legislature in extraordinary session for a period not exceeding thirty days when requested to do so by the President of the United States, or when any public danger or necessity may require it.”

SEC. 2. Section 2 of the Act entitled “An Act fixing the date for holding elections of a Delegate from Alaska to the House of Representatives and of members of the Legislature of Alaska; fixing the date on which the Legislature of Alaska shall hereafter meet; prescribing the personnel of the Territorial canvassing board, defining its duties, and for other purposes”, approved March 26, 1934 (48 Stat. 465), is repealed.

Approved, April 18, 1940.

April 18, 1940
[H. R. 4776]
[Public, No. 457]

Organic Act of Alaska, amendment.

37 Stat. 514.
48 U. S. C. § 74.

Convening and sessions of Legislature.

Limitation.

Extraordinary sessions.

Section repealed.

48 U. S. C. § 74.

[CHAPTER 106]

AN ACT

For the transfer of funds to the town of Wrangell, Alaska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the judge of the district court for the first judicial division of Alaska is hereby authorized and directed to pay to the city treasurer of the incorporated town of Wrangell, Alaska, from a fund called fund “C” of said district court, the sum of \$6,092.76, heretofore paid into said fund “C” by the Diamond K Packing Company, a corporation, of Wrangell, Alaska, in satisfaction of a judgment imposed upon said corporation by said court for nonpayment of license tax due the United States, in approximately the same sum, and by law inuring to the benefit of said town of Wrangell.

Approved, April 18, 1940.

April 18, 1940
[H. R. 7612]
[Public, No. 458]

Wrangell, Alaska.
Transfer of certain funds to town authorized.

[CHAPTER 107]

AN ACT

Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1941, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not other-

April 18, 1940
[H. R. 7922]
[Public, No. 459]

Independent Offices
Appropriation Act,
1941.

wise appropriated, for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1941, namely:

EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND VICE PRESIDENT

President. For compensation of the President of the United States, \$75,000.
Vice President. For compensation of the Vice President of the United States, \$15,000.

THE WHITE HOUSE OFFICE

Salaries. Salaries: For personal services in the office of the President, including the Secretary to the President, two additional secretaries to the President and six administrative assistants to the President at \$10,000 each; \$222,800: *Provided*, That employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States for such temporary assistance as may be deemed necessary.

Proviso.
Temporary details. Contingent expenses: For contingent expenses of The White House Office, including stationery, record books, telegrams, telephones, books for library, furniture and carpets for offices, automobiles, expenses of garage, including labor, special services, and miscellaneous items to be expended in the discretion of the President, \$50,000.

Contingent ex-
penses. For printing and binding, \$2,700.

Printing and bind-
ing. Traveling, etc., ex-
penses. Traveling expenses: For traveling and official entertainment expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, \$30,000.

Total, The White House Office, \$305,500.

EXECUTIVE MANSION AND GROUNDS

Care, repair, etc.
Post, p. 630. For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures of the Executive Mansion, the Executive Mansion greenhouses, including reconstruction, and the Executive Mansion grounds, and traveling expenses, to be expended as the President may determine, notwithstanding the provisions of any other Act, \$152,750.

BUREAU OF THE BUDGET

Salaries and ex-
penses.
Post, p. 630. Salaries and expenses: For every expenditure requisite for and incident to the work of the Bureau of the Budget, including personal services in the District of Columbia and elsewhere, contract stenographic reporting services, traveling expenses, including expenses of attendance at meetings when necessary in furthering the work of the Bureau of the Budget, streetcar fares, law books, books of reference, periodicals, newspapers and press clippings, purchase of office equipment and supplies, without regard to section 3709 of the Revised Statutes when the amount involved in any case does not exceed \$50, purchase (not to exceed \$750), maintenance, repair, and operation of passenger-carrying automobiles for official use, and not to exceed \$50,000 for temporary employment of persons or organizations by contract or otherwise without regard to section 3709 of the Revised Statutes, or the civil-service laws, or the Classification Act of 1923, as amended, \$742,600, together with the unexpended balance of the appropriation under this head for the fiscal year 1940.

Books of reference,
etc. Office equipment
and supplies.
41 U. S. C. § 5.
Post, p. 1109. For printing and binding, \$44,000.

Automobiles.
Temporary services.
Post, p. 630.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

Printing and bind-
ing.

NATIONAL RESOURCES PLANNING BOARD

Salaries and expenses: For all necessary administrative expenses of the National Resources Planning Board, to perform the functions transferred to said Board on July 1, 1939, including personal services in the District of Columbia and elsewhere in accordance with civil-service laws and the Classification Act of 1923; rent in the District of Columbia and elsewhere; contract stenographic reporting services; purchase of books of reference, and periodicals; expenses of attendance at meetings concerned with development, conservation, and use of the resources of the Nation; traveling expenses; purchase of office equipment and supplies, and temporary employment of persons, \$710,000, of which not to exceed \$40,000 shall be available for printing and binding: *Provided*, That no part of the funds appropriated under this item shall be used for the performance of any functions or duties other than the functions heretofore authorized by law to be performed by the Federal Employment Stabilization Board.

Total, Executive Office of the President, \$2,044,850.

Salaries and expenses.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

Printing and binding.
Provided,
Use restricted.

INDEPENDENT ESTABLISHMENTS

AMERICAN BATTLE MONUMENTS COMMISSION

For every expenditure requisite for or incident to the work of the American Battle Monuments Commission authorized by the Act of March 4, 1923 (36 U. S. C. 121-138), and by Executive Order Numbered 6614 of February 26, 1934, including the acquisition of land or interest in land in foreign countries for carrying out the purposes of said Act and Executive order without submission to the Attorney General of the United States under the provisions of section 355 of the Revised Statutes (34 U. S. C. 520; 40 U. S. C. 255); employment of personal services in the District of Columbia and elsewhere; including not to exceed \$3,000 for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a); purchase and repair of uniforms for caretakers of national cemeteries and monuments in Europe at a cost not exceeding \$600; travel expenses; rent of office space in foreign countries; the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles which may be furnished to the Commission by other departments of the Government or acquired by purchase; printing, binding, engraving, lithographing, photographing, and typewriting, including the publication of information concerning the American activities, battlefields, memorials, and cemeteries in Europe; the purchase of maps, textbooks, newspapers and periodicals, \$135,000: *Provided*, That notwithstanding the requirements of existing laws or regulations, and under such terms and conditions as the Commission may in its discretion deem necessary and proper, the Commission may contract for work, supplies, materials, and equipment in Europe and engage, by contract or otherwise, the services of architects, firms of architects, and other technical and professional personnel: *Provided further*, That the Commission may purchase supplies and materials in the United States without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved does not exceed \$500, and may enter into leases in foreign countries for office or garage space without regard to said section 3709, and rent therefor may be paid in advance: *Provided further*, That when traveling on business of the Commission, officers of the Army serving as members or as secretary of the Commission may be reimbursed for expenses

All expenses.

42 Stat. 1509.
36 U. S. C., Supp.
V, ch. 8.
Acquisition of land
abroad.

Living quarters.

46 Stat. 818.

Uniforms for caretakers.

Vehicles.

Printing, binding, etc.

Provided,
Technical work,
etc., in Europe.

Minor purchases.
Post, p. 1109.

Traveling expenses.

Delegation of authority.

as provided for civilian members of the Commission: *And provided further*, That the Commission may delegate to its chairman, secretary, or officials in charge of either its Washington or Paris offices, under such terms and conditions as it may prescribe, such of its authority as it may deem necessary and proper.

BOARD OF TAX APPEALS

All expenses.
43 Stat. 336; 44 Stat. 105.
26 U. S. C. §§ 600-645; Supp. V, §§ 1100-1146.
45 Stat. 871.
47 Stat. 286.

For every expenditure requisite for and incident to the work of the Board of Tax Appeals as authorized under title IX, section 900, of the Revenue Act of 1924, approved June 2, 1924, as amended by title X of the Revenue Act of 1926, approved February 26, 1926, and title IV of the Revenue Act of 1928, approved May 29, 1928, and title IX of the Revenue Act of 1932, approved June 6, 1932, including personal services and contract stenographic reporting services, rent outside the District of Columbia, traveling expenses, carfare, stationery, furniture, office equipment, purchase and exchange of typewriters, law books and books of reference, periodicals, and all other necessary supplies, \$522,000.

Printing and binding.

For all printing and binding for the Board of Tax Appeals, \$35,000.

Total, Board of Tax Appeals, \$557,000.

CIVIL AERONAUTICS AUTHORITY

General administration.

General administration: For all necessary expenses of the offices of the members of the Authority, Coordinator and Secretary, General Counsel, Director of Statistics and Information, and Director of Regional Offices, in carrying out the provisions of the Civil Aeronautics Act of 1938 (52 Stat. 973), including personal services and rent in the District of Columbia and elsewhere; expenses of the Air Safety Board other than those specifically provided for under "Air Safety Board, Civil Aeronautics Authority"; contract stenographic reporting services; fees and mileage of witnesses; expenses of examination of estimates of appropriations in the field; purchase (including exchange), operation, maintenance, and repair of aircraft; hire, maintenance, repair, and operation of passenger-carrying automobiles; \$1,543,932.

49 U. S. C., Supp. V, §§ 401-682.
Air Safety Board.
Post, p. 116.

Aircraft, purchase, operation, repairs, etc.

Automobiles.

Economic regulation.
52 Stat. 987.
49 U. S. C., Supp. V, §§ 481-496.

Economic regulation: For all expenses necessary in carrying out the provisions of title IV of the Civil Aeronautics Act of 1938 and all other provisions of said Act relating to economic regulation, including personal services in the District of Columbia and elsewhere; contract stenographic reporting services; fees and mileage of witnesses; \$469,222.

Air-navigation facilities, maintenance, etc.
Post, p. 1039.

Aircraft.

Automobiles.

Aviation training courses.

Maintenance and operation of air-navigation facilities: For all necessary expenses of the Office of the Administrator and the operation and maintenance of air-navigation facilities, including personal services and rent in the District of Columbia and elsewhere; purchase (including exchange), operation, maintenance, repair, and overhaul of aircraft; purchase and exchange (not to exceed \$13,550), hire, maintenance, repair, and operation of passenger-carrying automobiles; purchase of special wearing apparel and equipment for aviation purposes (including snowshoes and skis); salaries and traveling expenses of employees detailed by the Administrator to attend courses of training conducted by the Government or industries serving aviation; not to exceed 3 cents per mile for travel, in their personally owned automobiles within the limits of their official posts of duty, of employees engaged in the maintenance and operation of remotely controlled air-navigation facilities; and for the purchase of necessary food supplies (not exceeding \$2,500) for storage at isolated stations

Food supplies at isolated stations.

for emergency use, the cost of which when consumed by employees shall be collected therefrom, and deposited in miscellaneous receipts; \$12,000,000.

Technical development: For all expenses necessary in carrying out the provisions of the Civil Aeronautics Act of 1938 relative to such developmental work and service testing as tends to the creation of improved air-navigation facilities, aircraft, aircraft engines, propellers, appliances, personnel, and operation methods, including personal services and rent in the District of Columbia and elsewhere; operation, maintenance, repair, and overhaul of aircraft, aircraft engines, propellers, and equipment and spare parts therefor, and passenger-carrying automobiles; purchase of special wearing apparel and equipment for aviation purposes (including snow shoes and skis); purchase of reports, documents, plans, and specifications; \$557,000.

Safety regulation: For all expenses necessary to carry out the provisions of title VI of the Civil Aeronautics Act of 1938 and all other provisions of said Act relating to safety regulation, except air-traffic control, including personal services and rent in the District of Columbia and elsewhere; contract stenographic reporting services; fees and mileage of witnesses, including expert witnesses; employment of attorneys and examiners on a fee basis (not to exceed \$7,500); salaries and traveling expenses of employees detailed to attend courses of training conducted by the Government or industries serving aviation; purchase (including exchange), operation, maintenance, and repair and overhaul of aircraft; purchase and exchange (not to exceed \$29,200), hire, maintenance, repair, and operation of passenger-carrying automobiles; special wearing apparel and equipment (including snowshoes and skis), \$2,406,520.

Establishment of air-navigation facilities: For the acquisition and establishment of air-navigation facilities, including the equipment of additional civil airways for day and night flying; the construction of additional necessary lighting, radio, and other signaling and communicating structures and apparatus; the alteration and modernization of existing air-navigation facilities; and for the acquisition of the necessary sites by lease or grant, \$5,265,280, of which amount \$2,000,000 shall be available for the payment of contractual obligations authorized to be incurred prior to July 1, 1940: *Provided*, That in addition to the amount herein appropriated, the Administrator may, prior to July 1, 1941, enter into contracts for the purchase, construction, and installation of additional air-navigation facilities not in excess of \$2,000,000: *Provided further*, That construction work under this appropriation may be accomplished either by contract or by purchase and hire: *Provided further*, That this appropriation shall be available, when required in connection with the construction program, for the purchase and exchange (not to exceed \$750), hire, maintenance, repair, and operation of passenger-carrying automobiles; purchase and exchange, operation, maintenance, repair, and overhaul of aircraft; temporary personnel; purchase of special wearing apparel and equipment suitable for aviation purposes (including snowshoes and skis); and all other necessary expenses.

Civilian pilot training: For all necessary expenses of the Civil Aeronautics Authority in carrying out the duties, powers, and functions devolving upon it pursuant to the authority contained in the Civilian Pilot Training Act of 1939 (53 Stat. 855) including personal services and rentals in the District of Columbia and elsewhere; traveling expenses; purchase and exchange, operation, maintenance, repair, and overhaul of aircraft; purchase and exchange (not to exceed \$5,000), hire, maintenance, repair, and operation of passenger-

Technical develop-
ment.
52 Stat. 973.
49 U. S. C., Supp.
V, §§ 401-682.

Safety regulation.
Post, pp. 116, 599.
52 Stat. 1007.
49 U. S. C., Supp.
V, §§ 551-560.
Personal services
and rent.

Witnesses, fees and
mileage.

Training courses.

Aircraft, automo-
biles, etc.

Air-navigation facil-
ities, establishment,
etc.
Post, p. 1039.

Acquisition of sites.

Provisos.
Contracts for addi-
tional facilities.

Construction work.

Automobiles.

Aircraft.

Civilian pilot train-
ing.
Post, p. 599.
49 U. S. C., Supp.
V, §§ 751-757.

Aircraft.
Automobiles.
Post, p. 599.

Proviso.
Transfer of funds.
Ante, p. 115; *post*,
p. 599.

carrying automobiles; purchase and exchange of professional and scientific books, books of reference, atlases, maps, and periodicals; in all, \$5,000,000: *Provided*, That not to exceed \$117,800 of this amount may be transferred to the appropriation "Safety Regulation, Civil Aeronautics Authority", for expenditure in connection with payment of salaries and travel of aeronautical inspectors engaged in supervision and promotion of the safety features of the civilian pilot training program.

Air Safety Board.
Ante, p. 114.

Air Safety Board: For all expenses of the Air Safety Board necessary in performing the duties imposed upon it by law, including personal services in the District of Columbia; contract stenographic reporting services; purchase (including exchange) of office machinery and equipment; fees and mileage of expert and other witnesses; operation, maintenance, and repair of passenger-carrying automobiles; operation, maintenance, repair, and overhaul of aircraft, aircraft engines, aircraft radio, propellers, and equipment and spare parts therefor; purchase of special wearing apparel and equipment for airmen (including snowshoes and skis), and for photostat and other machine operators; \$380,000.

Automobiles, air-
craft, etc.

Printing and bind-
ing.
Minor purchases.
Post, p. 1109.

Printing and binding: For printing and binding, \$100,000.

Section 3709 of the Revised Statutes of the United States (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the Civil Aeronautics Authority or the Air Safety Board when the aggregate amount involved does not exceed \$100.

Attendance at meet-
ings.

The foregoing appropriations under the Civil Aeronautics Authority shall be available when specifically authorized by the Chairman of the Authority or the Administrator or, in case of the Air Safety Board, by the Chairman thereof, for expenses of attendance at meetings of associations and other properly constituted bodies concerned with aeronautics (not to exceed \$3,000), and when so authorized, for expenses of packing, crating, drayage, and transportation of household effects (not exceeding in any one case five thousand pounds) of employees when transferred from one official station to another for permanent duty, and for the purchase of law books, books of reference, and periodicals.

Transfer of house-
hold effects.

Total, Civil Aeronautics Authority, \$27,721,954.

CIVIL SERVICE COMMISSION

Commissioners and
office personnel.

For three Commissioners and other personal services in the District of Columbia, including personal services required for examination of Presidential postmasters, and including not to exceed \$2,500 for employment of expert examiners not in the Federal service on special subjects for which examiners within the service are not available, and for personal services in the field; for medical examinations; for necessary traveling expenses, including those of examiners acting under the direction of the Commission, and for expenses of examinations and investigations held elsewhere than at Washington, including not to exceed \$5,000 for expenses incident to attendance at meetings concerned with problems of public officials, educational groups, Government employees as such, and other similar organizations, which are peculiar to the interests and business of the Commission, when specifically directed by the Commission; for furniture and other equipment and repairs thereto; rental of equipment; supplies; advertising; telegraph, telephone, and laundry service; freight and express charges; streetcar fares not to exceed \$300; stationery; purchase and exchange of law books, books of reference, directories, subscriptions to newspapers and periodicals, not to exceed \$10,000; charts; purchase, exchange, maintenance, and repair of motortrucks, motorcycles, and bicycles; garage rent; postage

Attendance at meet-
ings.

Miscellaneous ex-
penses.

stamps to prepay postage on matter addressed to Postal Union countries; special-delivery stamps; and other like miscellaneous necessary expenses not hereinbefore provided for, \$4,975,000, of which not to exceed \$175,000 shall be available for reimbursement of the Veterans' Administration for services rendered the Commission in connection with physical examinations of applicants for and the employees in the Federal classified service: *Provided*, That notwithstanding any provisions of law to the contrary, the Civil Service Commission is authorized to expend not to exceed \$3,000 of this amount for actuarial services pertaining to the civil service, Canal Zone, and Alaska Railroad retirement and disability funds, to be obtained by contract, without obtaining competition, at such rates of compensation as the Commission may determine to be reasonable: *Provided further*, That no details from any executive department or independent establishment in the District of Columbia or elsewhere to the Commission's central office in Washington or to any of its district offices shall be made during the fiscal year ending June 30, 1941, but this shall not affect the making of details for service as members of the boards of examiners outside the immediate offices of the district managers: *Provided further*, That the Civil Service Commission shall have power in case of emergency to transfer or detail any of its employees to or from its office or field force.

Provisos.
Actuarial services.

Details from departments, etc., restriction.

Emergency transfers, etc.

Printing and binding.

For all printing and binding for the Civil Service Commission, including all of its bureaus, offices, institutions, and services located in Washington and elsewhere, \$160,000.

CIVIL-SERVICE RETIREMENT AND DISABILITY FUND

For financing of the liability of the United States, created by the Act entitled "An Act for the retirement of employees in the classified civil service, and for other purposes", approved May 22, 1920, and Acts amendatory thereof (38 U. S. C. 11), \$90,754,000, which amount shall be placed to the credit of the "civil-service retirement and disability fund".

Contribution.

41 Stat. 614.
5 U. S. C., ch. 14;
Supp. V, ch. 14.

CANAL ZONE RETIREMENT AND DISABILITY FUND

For financing of the liability of the United States, created by the Act entitled "An Act for the retirement of employees of the Panama Canal and the Panama Railroad Company, on the Isthmus of Panama, who are citizens of the United States", approved March 2, 1931, and Acts amendatory thereof (48 U. S. C. 1371n), \$1,177,000, which amount shall be placed to the credit of the "Canal Zone retirement and disability fund".

Contribution.

46 Stat. 1471.

ALASKA RAILROAD RETIREMENT AND DISABILITY FUND

For financing of the liability of the United States created by the Act entitled "An Act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States", approved June 29, 1936 (49 Stat. 2017), \$175,000, which amount shall be placed to the credit of the "Alaska Railroad retirement and disability fund".

Contribution.

5 U. S. C., Supp. V,
§§ 745-745r.

Total, Civil Service Commission, \$97,241,000.

DISTRICT OF COLUMBIA ALLEY DWELLING AUTHORITY

The unexpended balance on June 30, 1940, of the "Conversion of inhabited alleys fund", established pursuant to the provisions of the District of Columbia Alley Dwelling Act, together with all accretions

Reappropriation.
53 Stat. 529.
48 Stat. 932.
25 D. C. Code,
Supp. V, § 25 (a).

50 Stat. 888.
42 U. S. C., Supp.
V, § 1428.

during the fiscal year 1941 to said fund under the provisions of said Act and of the United States Housing Act of 1937 shall be available until June 30, 1941, for the purpose of carrying out the provisions of said District of Columbia Alley Dwelling Act.

FEDERAL COMMUNICATIONS COMMISSION

Salaries and ex-
penses.
Post, p. 1032.

47 U. S. C. §§ 151-
609; Supp. V, §§ 151-
602.

36 Stat. 629.
46 U. S. C., Supp.
V, §§ 484-487.

Submarine cable
licenses.

50 Stat. 1146.

Minor purchases.
Post, p. 1109.

Vehicles.

Attendance at meet-
ings.

Transmission of in-
formation by U. S.
ships.

50 Stat. 195.
47 U. S. C., Supp. V,
§ 357.

Transfer of personal
effects.

Personal services.

Printing and bind-
ing.

Salaries and expenses: For seven Commissioners, and for all other authorized expenditures of the Federal Communications Commission in performing the duties imposed by the Communications Act of 1934, approved June 19, 1934 (48 Stat. 1064), the Ship Act of 1910, approved June 24, 1910, as amended (46 U. S. C. 484-487), the International Radiotelegraphic Convention (45 Stat., pt. 2, p. 2760), Executive Order Numbered 3513, dated July 9, 1921, as amended under date of June 30, 1934, relating to applications for submarine cable licenses, and the radiotelegraphy provisions of the Convention for Promoting Safety of Life at Sea, ratified by the President of the United States, July 7, 1936, including personal services, contract stenographic reporting services, rental of quarters, newspapers, periodicals, reference books, law books, special counsel fees, supplies and equipment, including purchase and exchange of instruments, which may be purchased without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved does not exceed \$25; improvement and care of grounds and repairs to buildings, not to exceed \$5,000, purchase and exchange (not to exceed \$15,000), maintenance, operation, and repair of motor-propelled passenger-carrying vehicles for official use in the field, travel expenses, including expenses of attendance at meetings which in the discretion of the Commission are necessary for the efficient discharge of its responsibilities, reimbursement to ships of the United States for charges incurred by such ships in transmitting information in compliance with section 357 of the Communications Act of 1934, as amended, expenses of packing, crating, drayage, and transportation of household goods and other personal effects (not to exceed in any case five thousand pounds) of officers and employees when transferred from one official station to another for permanent duty upon specific authorization by the Commission, \$2,051,340, of which amount not to exceed \$1,246,340 may be expended for personal services in the District of Columbia, including compensation of employees of the Interdepartment Radio Advisory Committee.

Printing and binding: For all printing and binding for the Federal Communications Commission, \$25,000.

Total, Federal Communications Commission, \$2,076,340.

FEDERAL LOAN AGENCY

OFFICE OF THE ADMINISTRATOR

Administrative ex-
penses.

53 Stat. 1429, 561.
5 U. S. C., Supp. V,
§ 1331 (note); §§ 133-
133r.

Personal services.

Printing and bind-
ing.

Attendance at meet-
ings.

Administrative expenses, Federal Loan Agency: Of the funds available for administrative expenses to the agencies placed under the supervision of the Federal Loan Administrator by section 402 of Reorganization Plan Numbered I under authority of the Reorganization Act of 1939, \$200,000 is hereby made available to the Federal Loan Agency for all the general administrative expenses thereof, including personal services in the District of Columbia and elsewhere; printing and binding (\$1,500); law books, other books of reference and periodicals; newspapers (not exceeding \$500); not exceeding \$1,500 for expenses of attendance at meetings or conventions of societies or associations concerned with the furtherance of the work of the Agency, when specifically authorized by the Administrator; purchase (including exchange in part payment) of office equipment and pur-

chase of one passenger-carrying automobile at \$1,800 for the use of the Administrator and the rental of garage therefor, and the maintenance, operation, or repair thereof; not to exceed \$15,000 for the temporary employment of persons or organizations for special services by contract or otherwise without regard to section 3709 of the Revised Statutes or civil-service law and regulations; payment when specifically authorized by the Administrator of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses to persons serving, while away from their home, without other compensation from the United States, in an advisory capacity to the Agency: *Provided*, That section 3709 of the Revised Statutes shall not be construed as applying to any purchase by or service rendered to the Agency when the aggregate amount involved in any such case does not exceed \$100: *Provided further*, That none of the funds made available by this Act for administrative expenses of the Federal Loan Agency and the agencies under its supervision named herein shall be obligated or expended unless and until an appropriate appropriation account shall have been established therefor pursuant to an appropriation warrant or a covering warrant, and all such expenditures shall be accounted for and audited in accordance with the Budget and Accounting Act, as amended.

Special services.
Post, p. 1109.

Transportation, etc.,
expenses.

Provisos.
Minor purchases.
41 U. S. C. § 5.
Post, p. 1109.

Obligation or ex-
penditure of funds.

Accounting.

ELECTRIC HOME AND FARM AUTHORITY

Electric Home and Farm Authority, salaries and administrative expenses: Not to exceed \$600,000 of the funds of the Electric Home and Farm Authority, established as an agency of the Government by Executive Order Numbered 7139 of August 12, 1935, and continued as such agency until June 30, 1941, by the Act of March 4, 1939 (Public Act Numbered 2, Seventy-sixth Congress), shall be available during the fiscal year 1941 for administrative expenses of the Authority, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); not exceeding \$3,000 for expenses incurred in packing, crating, and transporting household effects (not exceeding five thousand pounds in any one case) of personnel when transferred in the interest of the service from one official station to another for permanent duty when specifically authorized in the order directing the transfer; printing and binding; lawbooks and books of reference; not to exceed \$200 for periodicals, newspapers, and maps; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other administrative expenses: *Provided*, That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, care, repair, and disposition of any security or collateral now held or acquired on or before June 30, 1941, by the Authority shall be considered as nonadministrative expenses for the purposes hereof.

Salaries and ex-
penses.

53 Stat. 510.
15 U. S. C., Supp.
V, §§ 701-712 (note).

Travel expenses.
44 Stat. 688.

Printing and bind-
ing.

Proviso.
Nonadministrative
expenses.

EXPORT-IMPORT BANK OF WASHINGTON

Export-Import Bank of Washington, salaries and administrative expenses: Not to exceed \$125,000 of the funds of the Export-Import Bank of Washington, established as an agency of the Government by Executive Order Numbered 6581 of February 2, 1934, and continued as such agency until June 30, 1941, by the Act approved March 4, 1939 (Public Act Numbered 3, Seventy-sixth Congress), shall be available during the fiscal year 1941 for administrative expenses of the bank, including personal services in the District of Columbia

Salaries and ex-
penses.

53 Stat. 510.
15 U. S. C., Supp. V,
§ 713b.

Travel expenses.
44 Stat. 688.
Printing and binding.

Proviso.
Nonadministrative expenses.

and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); printing and binding; lawbooks and books of reference; not to exceed \$250 for periodicals, newspapers, and maps; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other necessary administrative expenses: *Provided*, That all necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the bank or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof.

FEDERAL HOME LOAN BANK BOARD

Administrative expenses.

12 U. S. C. §§ 1421-1449; Supp. V, §§ 1422-1442.

Travel expenses.
44 Stat. 688.

Printing and binding.

Supplies, etc.
41 U. S. C. § 5.
Post, p. 1109.

Use of other services and facilities.

Provisos.
Nonadministrative expenses.

Payment.

47 Stat. 725.
12 U. S. C., Supp. V, §§ 1422-1442.

For the administrative expenses of the Federal Home Loan Bank Board, established by the Federal Home Loan Bank Act of July 22, 1932 (47 Stat. 725), including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); expenses (not to exceed \$2,500) of attendance at meetings concerned with the work of the Board when specifically authorized by the Board; printing and binding; lawbooks, books of reference, and not to exceed \$500 for periodicals and newspapers; procurement of supplies, equipment, and services without regard to section 3709 of the Revised Statutes when the aggregate amount involved in any one case does not exceed \$50; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent outside of the District of Columbia; payment, when specifically authorized by the Board, of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses of persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Board; use of the services and facilities of the Home Owners' Loan Corporation and the Federal Savings and Loan Insurance Corporation; and all other necessary administrative expenses, \$1,350,000, payable from assessments upon the Federal home-loan banks and receipts of the Federal Home Loan Bank Board from other sources for the fiscal year 1941 and prior fiscal years: *Provided*, That all necessary expenses (including services performed on a contract or fee basis, but not including other personal services) in connection with the sale, issuance, and retirement of, or payment of interest on, debentures or bonds, under said Federal Home Loan Bank Act, as amended, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That except for the limitations in amounts hereinbefore specified, and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Board shall be incurred, allowed, and paid in accordance with the provisions of said Act of July 22, 1932, as amended (12 U. S. C. 1421-1449).

FEDERAL HOUSING ADMINISTRATION

Administrative expenses.
Post, p. 631.

Not to exceed \$10,900,000 of the mutual mortgage insurance fund, \$1,200,000 of the housing insurance fund and \$1,200,000 from the account in the Treasury comprised of funds derived from premiums collected under authority of section 2 (f) title I of the National

Housing Act (48 Stat. 1246), as amended by the Act of June 3, 1939, in all, \$13,300,000, shall be available for administrative expenses of the Federal Housing Administration, including: Personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833), but there may be allowed in addition to mileage at a rate not to exceed 4 cents per mile for travel by motor vehicle reimbursement for the actual cost of ferry fares and bridge and tunnel tolls, and employees engaged in the inspection of property may be paid an allowance not to exceed 3 cents per mile for all travel performed in their personally owned automobiles within the limits of their official posts of duty when such travel is performed in connection with such inspection; printing and binding; law books, books of reference, and not to exceed \$1,500 for periodicals and newspapers; not to exceed \$1,500 for contract actuarial services; procurement of supplies, equipment, and services; purchase (including exchange) of one (for the official use of the Administrator, not exceeding \$1,500) and maintenance, repair, and operation of two motor-propelled passenger-carrying vehicles, to be used only for official purposes; payment, when specifically authorized by the Administrator, of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses to persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Administration; not to exceed \$2,000 for expenses of attendance, when specifically authorized by the Administrator, at meetings concerned with the work of the Administration; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other necessary administrative expenses: *Provided*, That all necessary expenses of the Administration (including services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, protection, completion, operation, maintenance, improvement, or disposition of real or personal property of the Administration acquired under authority of titles I and II of said National Housing Act, shall be considered as nonadministrative expenses for the purposes hereof, and such expenses with respect to title I property shall be paid from funds in the Treasury derived from premiums collected under authority of section 2 (f) title I of said Act and such expenses with respect to title II property shall be paid from the mutual mortgage insurance fund or the housing insurance fund as provided in title II of said Act: *Provided further*, That, except for the limitations in amounts hereinbefore specified and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Administration shall be incurred, allowed, and paid in accordance with the provisions of said Act of June 27, 1934, as amended (12 U. S. C. 1701-1723): *Provided further*, That not exceeding \$300,000 of the sum herein authorized shall be expended in the District of Columbia for purposes of the Public Relations and Education Division.

Not to exceed \$2,000,000 of the funds of the Reconstruction Finance Corporation, advanced or to be advanced to the Federal Housing Administration under authority of the National Housing Act of June 27, 1934 (48 Stat. 1246), as amended, and not to exceed \$3,000,000 of the funds (after the allowance of said \$1,200,000 for administrative expenses) in the account in the Treasury comprised of premiums collected under authority of section 2 (f), title I, of the National Housing Act, as amended, shall be available for the payment of losses under insurance granted under section 2 and section 6, title I, of said Act.

53 Stat. 805.
12 U. S. C., Supp.
V, § 1703 (f).

Travel expenses.

44 Stat. 688.

Printing and binding.

Contract actuarial services.
Supplies, etc.
Vehicles.

Transportation expenses.

Attendance at meetings.

Prorisos.
Nonadministrative expenses.

48 Stat. 1246.
12 U. S. C. §§ 1701-1715; Supp. V, §§ 1702-1715c.

Payments.

Administrative expenses, etc.

48 Stat. 1246.
12 U. S. C., Supp. V, §§ 1701a-1722.
Amount for Public Relations and Education Division.

Insurance of financial institutions.
Payment of losses.
Post, p. 631.

12 U. S. C. § 1705; Supp. V, § 1705.

12 U. S. C., Supp. V, § 1703 (f).

12 U. S. C. § 1703; Supp. V, §§ 1703, 1706a.

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Administrative expenses.

48 Stat. 1255.
12 U. S. C. §§ 1724-1730; Supp. V, §§ 1725-1729.

Travel expenses.

44 Stat. 688.

Printing and binding.

Use of services of designated agencies.

Provisos.
Nonadministrative expenses.

Payment.

Not to exceed \$300,000 of the funds of the Federal Savings and Loan Insurance Corporation, established by title IV of the National Housing Act of June 27, 1934 (48 Stat. 1246), shall be available during the fiscal year 1941 for administrative expenses of the Corporation, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); expenses (not to exceed \$2,500) of attendance at meetings concerned with the work of the Corporation when specifically authorized by the Board of Trustees; printing and binding; lawbooks, books of reference, and not to exceed \$250 for periodicals and newspapers; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; use of the services and facilities of the Federal Home Loan Bank Board, Federal home-loan banks, Federal Reserve banks, and agencies of the Government as authorized by said title IV; and all other necessary administrative expenses: *Provided*, That all necessary expenses in connection with the liquidation of insured institutions under said title IV shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That, except for the limitations in amounts hereinbefore specified, and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Corporation shall be incurred, allowed, and paid in accordance with the provisions of said Act of June 27, 1934, as amended (12 U. S. C. 1725-1732).

HOME OWNERS' LOAN CORPORATION

Administrative expenses.

Post, p. 631.
12 U. S. C. §§ 1461-1468; Supp. V, §§ 1462-1467.

Travel expenses.

44 Stat. 688.

Printing and binding.

Supplies, etc.
Vehicles.

Use of services of designated agencies.

Provisos.
Nonadministrative expenses.

Payment.

Not to exceed \$22,000,000 of the funds of the Home Owners' Loan Corporation, established by the Home Owners' Loan Act of 1933 (48 Stat. 128), shall be available during the fiscal year 1941 for administrative expenses of the Corporation, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); expenses (not to exceed \$3,500) of attendance at meetings concerned with the work of the Corporation when specifically authorized by the Board of Directors; printing and binding; lawbooks, books of reference, and not to exceed \$500 for periodicals and newspapers; procurement of supplies, equipment and services; maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, to be used only for official purposes; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; use of the services and facilities of the Federal Home Loan Bank Board, Federal home-loan banks, and Federal Reserve banks; and all other necessary administrative expenses: *Provided*, That all necessary expenses (including services performed on a force account, contract or fee basis, but not including other personal services) in connection with the acquisition, protection, operation, maintenance, improvement, or disposition of real or personal property belonging to the Corporation or in which it has an interest, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That except for the limitations in amounts hereinbefore specified, and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Corporation shall be incurred, allowed, and paid in accordance with the provisions of said Home Owners' Loan Act of 1933, as amended (12 U. S. C. 1461-1468).

RECONSTRUCTION FINANCE CORPORATION

Not to exceed \$9,250,000 of the funds of the Reconstruction Finance Corporation, established by the Act of January 22, 1932 (47 Stat. 5), shall be available during the fiscal year 1941 for administrative expenses of the Corporation and of The RFC Mortgage Company, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); printing and binding; lawbooks, books of reference, and not to exceed \$1,500 for periodicals and newspapers; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange, rent in the District of Columbia and elsewhere; use of the services and facilities of the Federal Reserve banks; and all other necessary administrative expenses: *Provided*, That all necessary expenses in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or The RFC Mortgage Company or in which they have an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That notwithstanding any other provisions of this Act, except for the limitations in amounts hereinbefore specified, and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Corporation shall be incurred, allowed, and paid in accordance with the provisions of said Act of January 22, 1932, as amended (15 U. S. C. 601-617).

Administrative expenses.

15 U. S. C. §§ 601-617; Supp. V, §§ 601-613c.

Travel expenses.

44 Stat. 688.

Printing and binding.

Provisos.
Nonadministrative expenses.

Payment.

FEDERAL POWER COMMISSION

SALARIES AND EXPENSES

For every expenditure requisite for and incident to the work of the Federal Power Commission as authorized by law except for the work authorized by the Act of June 28, 1938, entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control and for other purposes" (52 Stat. 1215), including traveling expenses; expenses of attendance at meetings which in the discretion of the Commission are necessary for the efficient discharge of its responsibilities; contract stenographic reporting services; rent outside the District of Columbia; purchase and exchange (not to exceed \$3,000), hire, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, including not more than one such vehicle for general administrative use in the District of Columbia; supplies and office equipment; services; scientific instruments; expenses incurred in packing, crating, drayage and transportation of household effects and other property (not to exceed in any case five thousand pounds) of officers and employees when transferred from one official station to another for permanent duty, when specifically authorized by the Commission; and not exceeding \$6,000 for purchase and exchange of lawbooks, other books of reference, newspapers, periodicals and newspaper clippings, \$2,235,000; of which amount not to exceed \$1,163,000 shall be available for personal services in the District of Columbia, exclusive of not to exceed \$25,000 which may be expended for consultants and special counsel.

Expenses; exception.

33 U. S. C., Supp. V, §§ 701b-706.

Vehicles.

Transfer of household effects.

Consultants and special counsel.

Flood-control expenses.

For every expenditure requisite for and incident to the work of the Federal Power Commission as authorized by the provisions of the Act of June 28, 1938, entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control,

33 U. S. C., Supp. V,
§§ 701b-706.

and for other purposes" (52 Stat. 1215), including travel expenses; contract stenographic reporting services; purchase, maintenance, repair, and operation of one motor-propelled passenger-carrying vehicle; supplies and office equipment; services; scientific instruments; \$200,000, of which amount not to exceed \$180,000 shall be available for personal services in the District of Columbia.

Proviso.
Minor purchases.
Post, p. 1109.

In all, salaries and expenses, Federal Power Commission, \$2,435,000: *Provided*, That the Commission may procure supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved in any case does not exceed \$50.

Printing and binding.

For all printing and binding for the Federal Power Commission, including engraving, lithographing, and photolithographing, \$45,500.

Total, Federal Power Commission, \$2,480,500.

FEDERAL TRADE COMMISSION

Salaries and expenses.

For five Commissioners, and for all other authorized expenditures of the Federal Trade Commission in performing the duties imposed by law or in pursuance of law, including secretary to the Commission and other personal services, contract stenographic reporting services; supplies and equipment, law books, books of reference, periodicals, garage rentals, traveling expenses, including not to exceed \$900 for expenses of attendance, when specifically authorized by the Commission, at meetings concerned with the work of the Federal Trade Commission, for newspapers and press clippings not to exceed \$600, foreign postage, and witness fees and mileage in accordance with section 9 of the Federal Trade Commission Act; \$2,240,000: *Provided*, That the Commission may procure supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved does not exceed \$50: *Provided further*, That no part of the funds appropriated herein for the Federal Trade Commission shall be expended upon any investigation hereafter provided by concurrent resolution of the Congress until funds are appropriated subsequently to the enactment of such resolution to finance the cost of such investigation.

Attendance at meetings.

Witness fees, etc.
38 Stat. 722.
15 U. S. C. § 49.
Provisos.
Minor purchases.
Post, p. 1109.

Expenditure restriction.

Printing and binding.

For all printing and binding for the Federal Trade Commission, \$60,000.

Total, Federal Trade Commission, \$2,300,000.

FEDERAL WORKS AGENCY

OFFICE OF THE ADMINISTRATOR

Salaries and expenses.

Salaries and expenses: For salaries in the Office of the Administrator in the District of Columbia, including the salary of a General Counsel at \$10,000 per annum, and other expenses of said office, including printing and binding (not to exceed \$8,000); actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses to persons serving, while away from their homes without other compensation from the United States, in an advisory capacity to the Administrator; purchase (including exchange) of law books and other books of reference, periodicals, and press clippings; not to exceed \$700 for the purchase of a motor-propelled passenger-carrying vehicle; not to exceed \$1,500 for expenses of attendance, when specifically authorized by the Administrator, at meetings or conventions relating to the work of the Agency; not to exceed \$10,000 for the employment of persons or organizations by contract or otherwise, for special services determined by the Administrator to be necessary, without regard to

Printing and binding.

Attendance at meetings.

Special services.

section 3709 of the Revised Statutes, and the civil-service and classification laws, \$250,000: *Provided*, That the Administrator in order to effectuate part 3 of Reorganization Plan Numbered 1 submitted and approved pursuant to the Reorganization Act of 1939 may transfer to this appropriation from funds available for administrative expenses of the constituent units of the Federal Works Agency such sums as represent a consolidation in the Office of the Administrator of any of the administrative functions of said constituent units; but no such transfer of funds shall be made unless the consolidation of administrative functions will result in a reduction of administrative salary and other expenses and such reduction is accompanied by savings in funds appropriated to the Federal Works Agency, which savings shall not be expended for any other purpose but shall be impounded and returned to the Treasury.

PUBLIC BUILDINGS ADMINISTRATION

For carrying into effect the provisions of the Public Buildings Acts, as provided in section 6 of the Act of May 30, 1908 (31 U. S. C. 683), and for the repair, preservation, and upkeep of all completed public buildings under the control of the Federal Works Agency, the mechanical equipment and the grounds thereof, and sites acquired for buildings, and for the operation of certain completed and occupied buildings under the control of the Federal Works Agency, including furniture and repairs thereof, but exclusive, with respect to operation, of buildings of the United States Coast Guard, of hospitals, quarantine stations, and other Public Health Service buildings, mints, bullion depositories, and assay offices, the Treasury, Treasury Annex, Liberty Loan, and Auditors' Buildings:

General administrative expenses: For architectural, engineering, mechanical, administrative, clerical, and other personal services; traveling expenses, including expenses of employees directed by the Federal Works Administrator to attend meetings of technical and professional societies and educational exhibits in connection with subjects related to the work of the Public Buildings Administration, and transportation of household goods, incident to change of headquarters of all employees engaged in field activities not to exceed five thousand pounds at any one time, together with the necessary expenses incident to packing and draying same; printing and binding (not to exceed \$13,000), advertising, not exceeding \$1,000 for expenses of educational exhibits, specifically approved by the Federal Works Administrator, testing instruments, lawbooks, books of reference, periodicals, and such other contingencies, articles, services, equipment, or supplies as the Commissioner of Public Buildings may deem necessary in connection with any of the work of the Public Buildings Administration; rent in the District of Columbia and elsewhere, including ground rent of the Federal buildings at Salamanca, New York, and Columbus, Mississippi, for which payment may be made in advance, and including such expenses necessary to wind up the affairs of the United States Housing Corporation and effect its dissolution; \$876,340, of which amount not to exceed \$518,500 may be expended for personal services in the District of Columbia and not to exceed \$196,910 for personal services in the field: *Provided*, That the foregoing appropriations shall not be available for the cost of surveys, plaster models, progress photographs, test pits and borings, or mill and shop inspections, but the cost thereof shall be construed to be chargeable against the construction appropriations of the respective projects to which they relate.

Repair, preservation, and equipment, outside the District of Columbia: For repairs, alterations, improvement, and preservation includ-

41 U. S. C. § 5.

Proviso.
Transfer of funds.
53 Stat. 1426.
5 U. S. C., Supp. V,
§ 133t (note).
53 Stat. 561.
5 U. S. C., Supp. V,
§§ 133-133r.

Conditional upon
reduction of expenses.

Maintenance.
35 Stat. 537.

Furniture, etc.

General administra-
tive expenses.

Attendance at meet-
ings.

Printing and bind-
ing.
Educational exhib-
its.

Rent.

U. S. Housing Cor-
poration, dissolution.

Proviso.
Appropriations not
available for desig-
nated objects.

Buildings, etc., out-
side D. C.

ing personal services employed therefor, of completed Federal buildings (including Marcus Hook), the grounds and approaches thereof, wharves, and piers, together with the necessary dredging adjacent thereto, and care and safeguarding, not otherwise provided for, of sites acquired for Federal buildings, including tools and materials for the use of the custodial and mechanical force, wire partitions and insect screens, installation and repair of mechanical equipment, gas, and electric-light fixtures, conduits, wiring, platform scales, and tower clocks; vaults and lockbox equipment in all buildings completed and occupied, and for necessary safe equipments in buildings under the administration of the Federal Works Agency, including repairs thereto, and changes in, maintenance of, and repairs to the pneumatic-tube system in New York City installed under franchise of the city of New York, approved June 29, 1909, and June 11, 1928, and the payment of any obligations arising thereunder in accordance with the provisions of the Acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533), \$3,016,900: *Provided*, That the total expenditures for the fiscal year for the repair and preservation of buildings not reserved by the vendors on sites acquired for buildings or the enlargement of buildings and the installation and repair of the mechanical equipment thereof shall not exceed 20 per centum of the annual rental of such buildings.

Pneumatic-tube system, New York City.

Proviso.
Limitation.

New York, N. Y., customhouse. Furniture, equipment, etc.

Public buildings and grounds, D. C. Salaries and general expenses.
Post, p. 1035.

New York, New York, Customhouse: For the purchase of new furniture, furnishings, venetian blinds, shelving, counters, and filing equipment, and to make expenditures for services, supplies, and materials for the reconditioning of old furniture and equipment for the customhouse building, New York, New York, including moving and administrative expenses, \$150,000.

Salaries and general expenses, public buildings and grounds in the District of Columbia: For administration, protection, maintenance, and improvement of public buildings and grounds in the District of Columbia maintained and operated by the Public Buildings Administration, including the National Archives Building; repair, preservation, and equipment of the Treasury, Treasury Annex, City Post Office, Auditors' Building, Liberty Loan Building, and Customhouse; per diem employees at rates of pay approved by the Commissioner of Public Buildings, not exceeding current rates for similar services in the District of Columbia, and such employees in emergencies may be entered on duty subject to confirmation by the Federal Works Administrator; rent of buildings; demolition of buildings; expenses incident to moving various executive departments and establishments in connection with the assignment, allocation, transfer, and survey of building space; traveling expenses and carfare; leather and rubber articles and gas masks for the protection of public property and employees; furnishings and equipment; arms and ammunition for the guard force; not exceeding \$40,090 for purchase, repair, and cleaning of uniforms for guards and elevator conductors; and the purchase of two motor-propelled passenger-carrying vehicles; \$8,938,245, of which amount not to exceed \$500,000 shall be available for major repairs and improvements to public buildings and grounds in the District of Columbia.

Public buildings outside D. C. Salaries and expenses.

Salaries and expenses, public buildings outside the District of Columbia: For operation, protection, and maintenance, including cleaning, heating, lighting, rental of buildings and equipment, supplies, materials, furnishings and equipment, personal services, arms, ammunition, leather and rubber articles and gas masks for the protection of public property and employees, and every expenditure requisite for and incidental to such maintenance and operation of public buildings outside of the District of Columbia maintained

and operated by the Public Buildings Administration, \$2,906,785: *Provided*, That in no case shall the rates of compensation for the mechanical labor force under this appropriation be in excess of the rates current at the time and in the place where such services are employed: *Provided further*, That all furniture now owned by the United States in other public buildings or in buildings rented by the United States shall be used, so far as practicable, whether or not it corresponds with the present regulation plan for furniture: *Provided further*, That this appropriation shall be available for contracts for telephone switchboards or equivalent telephone-switching equipment jointly serving in each case two or more Governmental activities in buildings operated by the Public Buildings Administration where it is found that joint service is economical and in the interests of the Government, and any Government activity receiving such service shall pay promptly by check upon the written request of the Commissioner of Public Buildings, either in advance or after the service has been furnished, for deposit to the credit of this appropriation, all or part of the estimated or actual cost thereof, as the case may be, and proper adjustment upon the basis of the actual cost shall be made for service paid for in advance.

Construction outside the District of Columbia: For continuation of construction of, and acquisition of sites for, public buildings outside of the District of Columbia, including the purposes and objects, and subject to the limitations, specified under this head in the Third Deficiency Appropriation Act, fiscal year 1937 (50 Stat. 773), as supplemented by the Federal Public Buildings Act, 1938, and also including those increases in the limits of cost of certain authorized projects, twenty-five in number, as specified in House Document Numbered 177, Seventy-sixth Congress, \$15,000,000: *Provided*, That the provisions of section 322 of the Act of June 30, 1932 (47 Stat. 412), shall not apply with respect to the rental of temporary quarters for housing Federal activities during the replacement or remodeling of buildings authorized under this or previous Acts.

Social Security Board and Railroad Retirement Board Buildings: For completion of the acquisition of the necessary land and the construction of buildings for the Social Security Board and the Railroad Retirement Board, \$3,250,000.

War Department Building: For continuation of the acquisition of land as a site for buildings for the War Department, and for continuation of the construction of the first building unit, \$2,000,000.

Proviso.
Mechanical labor
force, pay rates.

Use of present furni-
ture.

Joint telephone-
switching equipment.

Payment for serv-
ice.

Construction out-
side D. C.
Post, p. 633.

52 Stat. 818.

Proviso.
Rental of temporary
quarters.
40 U. S. C. § 40a.

Social Security
Board and Railroad
Retirement Board
Buildings.
Site and construc-
tion.
Post, p. 633.
War Department
Building.
Site and construc-
tion.

PUBLIC ROADS ADMINISTRATION

General administrative expenses: For the employment of persons and means, including rent, advertising (including advertising in the city of Washington for work to be performed in areas adjacent thereto), printing and binding (not to exceed \$32,000), purchase (including exchange) of law books, books of reference and periodicals, and the preparation, distribution, and display of exhibits, in the city of Washington and elsewhere for the purpose of conducting research and investigational studies, either independently or in cooperation with State highway departments, or other agencies, including studies of highway administration, legislation, finance, economics, transport, construction, operation, maintenance, utilization, and safety, and of street and highway traffic control; investigations and experiments in the best methods of road making, especially by the use of local materials; and studies of types of mechanical plants and appliances used for road building and maintenance, and of methods of road repair and maintenance suited to the needs of

General administra-
tive expenses.
Post, p. 129.

Printing and bind-
ing.

Display of exhibits.

Road-making exper-
iments, etc.

Bulletins and reports. different localities; for maintenance and repairs of experimental highways; for furnishing expert advice on these subjects; for collating, reporting, and illustrating the results of same; and for preparing, publishing, and distributing bulletins and reports; to be paid from any moneys available from the administrative funds provided under the Act of July 11, 1916 (39 Stat. 355-359), as amended, or as otherwise provided.

23 U. S. C. §§ 12a, 48; 16 U. S. C. § 503.

FEDERAL-AID HIGHWAY SYSTEM

Construction of rural post roads.

23 U. S. C. §§ 12a, 48; 16 U. S. C. § 503.

Departmental personal services.

Amount transferred to Federal Works Administrator.
Providos.
Convict labor.

Vehicles.

42 Stat. 217.

Engineering, etc., equipment, depreciation.

Warehouse maintenance, etc.

Reimbursement for cost of materials, etc.

Medical supplies, etc., in emergencies.

Transportation of personal effects.

For carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916 (39 Stat. 355-359), and all Acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said Act, as amended, including not to exceed \$1,110,000 for departmental personal services in the District of Columbia, \$99,990,000, to be immediately available and to remain available until expended, which sum is the amount authorized to be appropriated for the fiscal year 1940 by section 1 of the Act approved June 8, 1938 (52 Stat. 633), less \$10,000 transferred to the Federal Works Administrator for the administrative expenses of his office: *Provided*, That none of the money herein appropriated shall be paid to any State on account of any project on which convict labor shall be employed, except this provision shall not apply to convict labor performed by convicts on parole or probation: *Provided further*, That not to exceed \$45,000 of the funds provided for carrying out the provisions of the Federal Highway Act of November 9, 1921 (23 U. S. C. 21, 23), shall be available for the purchase of motor-propelled passenger-carrying vehicles necessary for carrying out the provisions of said Act, including the replacement of not to exceed one such vehicle for use in the administrative work of the Public Roads Administration in the District of Columbia: *Provided further*, That, during the fiscal year 1941, whenever performing authorized engineering or other services in connection with the survey, construction, and maintenance, or improvement of roads for other Government agencies the charge for such services may include depreciation on engineering and road-building equipment used, and the amounts received on account of such charges shall be credited to the appropriation concerned: *Provided further*, That during the fiscal year 1941 the appropriations for the work of the Public Roads Administration shall be available for meeting the expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment stored therein for distribution to projects under the supervision of the Public Roads Administration, and for sale and distribution to other Government activities, the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) to be reimbursed to appropriations current at the time additional supplies, materials, or equipment are procured, from the appropriation chargeable with the cost or value of such supplies, materials, or equipment: *Provided further*, That the appropriations available to the Public Roads Administration may be used in emergency for medical supplies and services and other assistance necessary for the immediate relief of employees engaged on hazardous work under that Administration: *Provided further*, That of the appropriations for the work of the Public Roads Administration, not exceeding \$3,500 shall be available, when specifically authorized by the Commissioner, for the necessary expenses of packing, crating, drayage, transportation, and uncrating of household and other per-

sonal effects (not to exceed 5,000 pounds in any one case), of officers or employees transferred from one official station to another for permanent duty: *Provided further*, That the appropriations for the work of the Public Roads Administration shall be available for necessary expenses (not exceeding \$9,000) of attendance at meetings and conferences of highway departments, associations, organizations, and other agencies concerned: *Provided further*, That not exceeding \$15,000 of the appropriations for work of the Public Roads Administration shall be available for the temporary employment, by contract or otherwise, of technical consultants and experts without regard to section 3709 of the Revised Statutes, the civil service and classification laws.

Attendance at meetings.

Temporary employment of technical consultants, etc.
Ante, p. 127.

41 U. S. C. § 5.
Post, p. 1109.

INTER-AMERICAN HIGHWAY

For all necessary expenses to enable the President to utilize the services of the Public Roads Administration in fulfilling the obligations of the United States under the Convention on the Pan-American Highway between the United States and other American Republics, signed at Buenos Aires, December 23, 1936, and proclaimed September 16, 1937 (51 Stat. 152), for the continuation of cooperation with several governments, members of the Pan American Union, in connection with the survey and construction of the Inter-American Highway as provided in Public Resolution, approved March 4, 1929 (45 Stat. 1697), as amended or supplemented, and for performing engineering service in pan-American countries for and upon the request of any agency or governmental corporation of the United States, \$75,000 to be derived from the administrative funds provided under the Act of July 11, 1916, as amended or supplemented (23 U. S. C. 21), or as otherwise provided.

Expenses.

Survey and construction.

39 Stat. 355.

FEDERAL-AID SECONDARY OR FEEDER ROADS

For secondary or feeder roads, including farm-to-market roads, rural free delivery mail roads, and public-school bus routes, \$15,000,000, to be immediately available and to remain available until expended, which sum is the amount authorized to be appropriated for the fiscal year 1940, by section 2 of the Act approved June 8, 1938 (52 Stat. 634).

Federal aid.

ELIMINATION OF GRADE CROSSINGS

For the elimination of hazards to life at railroad grade crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade-crossing structures, and the relocation of highways to eliminate grade crossings, \$25,000,000, to be immediately available and to remain available until expended, which sum is composed of \$10,000,000, which is the remainder of the amount authorized to be appropriated for the fiscal year 1939 by section 8 of the Act approved June 16, 1936 (49 Stat. 1521), and \$15,000,000 authorized to be appropriated for the fiscal year 1940, by section 3 of the Act approved June 8, 1938 (52 Stat. 634).

Elimination of railroad grade crossings.

PUBLIC-LANDS HIGHWAYS

For the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, non-taxable Indian lands, or other Federal reservations other than the forest reservations, under the provisions of the Act of June 24, 1930 (23 U. S. C. 3), \$1,000,000, to be immediately available and to remain available until expended, which sum is authorized for the fiscal year 1941 by section 6 of the Act approved June 8, 1938 (52 Stat. 635). Total Public Roads Administration, \$140,990,000.

Survey, construction, etc.

46 Stat. 805.

PUBLIC WORKS ADMINISTRATION

Administrative expenses.
52 Stat. 816.

Travel expenses.

44 Stat. 688.

Attendance at meetings.

Proviso.
Payments.

48 Stat. 200.
40 U. S. C. §§ 401-411; Supp. V, ch. 8.

Not to exceed \$3,585,000 of the funds appropriated by the Public Works Administration Appropriation Act of 1938 shall be available for administrative expenses of said Administration, which administrative expenses shall include personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); printing and binding; purchase including exchange of lawbooks, and books of reference, and not to exceed \$500 for periodicals, newspapers, and press clippings; procurement of supplies, equipment, and services; not to exceed \$500 for expenses of attendance, when specifically authorized by the Commissioner, at meetings concerned with the work of the Administration; rent in the District of Columbia and elsewhere; and all other necessary administrative expenses: *Provided*, That except for the limitations in amounts hereinbefore specified, and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Administration shall be incurred, allowed, and paid in accordance with the provisions of title II of the National Industrial Recovery Act.

UNITED STATES HOUSING AUTHORITY

Salaries and expenses.
Post, p. 631.
50 Stat. 888.
42 U. S. C., Supp. V, § 1408.

Printing and binding.

Vehicles.

Attendance at meetings.

Exhibits.

Special services.

41 U. S. C. § 5.
42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.
Provisos.
Informational service.

Non-Federal projects, reimbursement.

Nonadministrative expenses.
Annual contributions in assistance of low rentals.
50 Stat. 891.
42 U. S. C., Supp. V, § 1410.

Salaries and expenses: Not to exceed \$4,510,000 of the funds of the United States Housing Authority, established by the United States Housing Act of 1937, as amended (42 U. S. C., Supp. IV, 1401) shall be available for all necessary administrative expenses of the Authority in carrying out the provisions of said Act, including personal services and rent in the District of Columbia and elsewhere; printing and binding; reproducing, photographing, and labor-saving devices and office appliances; not to exceed \$5,000 for the purchase and exchange of lawbooks and other books of reference, periodicals, newspapers, and press clippings; not to exceed \$4,000 for purchase of seven motor-propelled passenger-carrying vehicles, to be used only for official purposes; not to exceed \$2,500 for expenses of attendance, when specifically authorized by the Administrator, at meetings or conventions concerned with the work of the Authority; not to exceed \$15,000 for the preparation, mounting, shipping, and installation of exhibits; not to exceed \$25,000 for employing persons or organizations, by contract or otherwise, for special reporting, engineering, technical, legal, and other services determined necessary by the Administrator, without regard to section 3709 of the Revised Statutes, and the civil-service laws and the Classification Act of 1923, as amended: *Provided*, That of the funds made available under this paragraph, the amount used by the Authority in connection with its informational service functions, including press and related activities, photographic displays, exhibits, and other educational or descriptive pamphlets or materials, printing, binding, and reproduction of materials involving informational service functions, shall not exceed \$125,000: *Provided further*, That all necessary expenses of providing construction advisers at the site of non-Federal projects, in connection with the construction thereof by public housing agencies with the aid of the Authority, shall be reimbursed or paid by such agencies, and expenditures by the Authority from such receipts shall be considered as nonadministrative expenses.

Annual contributions: For the payment of annual contributions to public housing agencies in accordance with section 10 of the United States Housing Act of 1937, as amended (42 U. S. C., Supp. IV,

1410), \$10,000,000: *Provided*, That, except for payments required on contracts entered into prior to the date of enactment of this Act, no part of this appropriation shall be available for payment to any public-housing agency for expenditure in connection with any low-rent housing project, unless the public housing agency shall have adopted regulations prohibiting as a tenant of any such project by rental or occupancy, any person other than a citizen of the United States.

Proviso.
Citizenship require-
ment.

Any of the foregoing appropriations for general or administrative expenses under the Federal Works Agency shall be available for the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles in the District of Columbia and in the field.

Vehicles.

The Federal Works Administrator or other official designated by him may exchange motor-propelled vehicles, scientific apparatus, instruments, labor-saving office devices, and accessories in whole or in part payment for vehicles, scientific apparatus, instruments, labor-saving devices, and accessories.

Exchanges author-
ized.

Section 3709 of the Revised Statutes shall not apply to any purchase by or service rendered for, any office or agency of the Federal Works Agency, when the aggregate amount involved in any such case does not exceed the sum of \$100.

Minor purchases.
41 U. S. C. § 5.
Post, p. 1109.

FOREIGN-SERVICE PAY ADJUSTMENT

Foreign-service pay adjustment of officers and employees of the United States in foreign countries due to appreciation of foreign currencies: For the purpose of carrying into effect the provisions of the Act entitled "An Act to authorize annual appropriations to meet losses sustained by officers and employees of the United States in foreign countries due to appreciation of foreign currencies in their relation to the American dollar, and for other purposes", approved March 26, 1934 (U. S. C. Supp. IV, Title 5, Sec. 118c), and for each and every object and purpose specified therein, \$1,280,000.

Losses due to cur-
rency appreciation.

48 Stat. 466.
5 U. S. C. § 118c;
Supp. V, § 118c.

GENERAL ACCOUNTING OFFICE

Salaries: For Comptroller General, Assistant Comptroller General, and other personal services in the District of Columbia and elsewhere, \$4,954,600.

Salaries.

Contingent expenses: For traveling expenses, materials, supplies, equipment, and services; rent of buildings and equipment; furnishing of heat and light; purchase and exchange of books, lawbooks, books of reference, and periodicals, typewriters, calculating machines, and other office appliances, including their development, repairs, and maintenance, including one motor-propelled, passenger-carrying vehicle; and miscellaneous items, \$272,140: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the General Accounting Office when the aggregate amount involved does not exceed the sum of \$50.

Contingent ex-
penses.

Proviso.
Minor purchases.
Post, p. 1109.

For all printing and binding for the General Accounting Office, including monthly and annual editions of selected decisions of the Comptroller General of the United States, \$79,800.

Printing and bind-
ing.

Total, General Accounting Office, \$5,306,540.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

General administrative expenses: For eleven Commissioners, secretary, and for all other authorized expenditures necessary in the execution of laws to regulate commerce, including one chief counsel,

General administra-
tive expenses.

Personal services.	one director of finance, and one director of traffic at \$10,000 each per annum, field hearings, traveling expenses, and contract stenographic reporting services, \$2,580,940, of which amount not to exceed \$2,338,040 may be expended for personal services in the District of Columbia, exclusive of special counsel, for which the expenditure shall not exceed \$50,000; not exceeding \$3,000 for purchase and exchange of necessary books, reports, and periodicals; not exceeding \$100 in the open market for the purchase of office furniture similar in class or kind to that listed in the general supply schedule.
Books, furniture, etc.	
Regulating accounts.	Regulating accounts: To enable the Interstate Commerce Commission to enforce compliance with section 20 and other sections of the Interstate Commerce Act as amended by the Act approved June 29, 1906 (49 U. S. C. 20), and as amended by the Transportation Act, 1920 (49 U. S. C. 20), including the employment of necessary special accounting agents or examiners, and traveling expenses, \$840,000, of which amount not to exceed \$190,000 may be expended for personal services in the District of Columbia.
24 Stat. 386; 34 Stat. 503; 41 Stat. 493. 49 U. S. C., Supp. V, § 20 (note).	
Safety of employees and travelers upon railroads.	Safety of employees: To enable the Interstate Commerce Commission to keep informed regarding and to enforce compliance with Acts to promote the safety of employees and travelers upon railroads; the Act requiring common carriers to make reports of accidents and authorizing investigations thereof; and to enable the Interstate Commerce Commission to investigate and test appliances intended to promote the safety of railway operation, as authorized by the joint resolution approved June 30, 1906 (45 U. S. C. 35), and the provision of the Sundry Civil Act approved May 27, 1908 (45 U. S. C. 36, 37), to investigate, test experimentally, and report on the use and need of any appliances or systems intended to promote the safety of railway operation, inspectors, and for traveling expenses, \$506,000, of which amount not to exceed \$90,000 may be expended for personal services in the District of Columbia.
Reports and investigations. Safety appliances.	
34 Stat. 838. 35 Stat. 325.	
Personal services.	
Signal safety systems.	Signal safety systems: For all authorized expenditures under section 26 of the Interstate Commerce Act, as amended by the Transportation Act, 1920 (49 U. S. C. 26), and the Act of August 26, 1937 (50 Stat. 835), with respect to the provision thereof under which carriers by railroad subject to the Act may be required to install automatic train-stop, or train-control devices which comply with specifications and requirements prescribed by the Commission, including investigations and tests pertaining to block-signal and train-control systems, as authorized by the joint resolution approved June 30, 1906 (45 U. S. C. 35), and including the employment of the necessary engineers, and for traveling expenses, \$126,810, of which amount not to exceed \$40,000 may be expended for personal services in the District of Columbia.
41 Stat. 498. 49 U. S. C., Supp. V, § 26.	
Automatic train-control devices.	
Block-signal, etc., systems.	
34 Stat. 838.	
Personal services.	
Locomotive inspection.	Locomotive inspection: For all authorized expenditures under the provisions of the Act of February 17, 1911, entitled "An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto" (45 U. S. C. 22), as amended by the Act of March 4, 1915, extending "the same powers and duties with respect to all parts and appurtenances of the locomotive and tender" (45 U. S. C. 30), and amendment of June 7, 1924 (45 U. S. C. 27), providing for the appointment from time to time by the Interstate Commerce Commission of not more than fifteen inspectors in addition to the number authorized in the first paragraph of section 4 of the Act of 1911 (45 U. S. C. 26), and the amendment of June 27, 1930 (45 U. S. C. 24, 26), including such legal, technical, stenographic, and clerical help as the business of the offices of the chief inspector and his two
36 Stat. 913; 38 Stat. 1192.	
43 Stat. 659.	
Additional inspectors.	
36 Stat. 914; 46 Stat. 822.	

assistants may require and for traveling expenses, \$475,000, of which amount not to exceed \$71,450 may be expended for personal services in the District of Columbia.

Valuation of property of carriers: To enable the Interstate Commerce Commission to carry out the objects of the Act entitled "An Act to amend an Act entitled 'An Act to regulate commerce', approved February 4, 1887, and all Acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities", approved March 1, 1913, as amended by the Act of June 7, 1922 (49 U. S. C. 19a), and by the "Emergency Railroad Transportation Act, 1933" (49 U. S. C. 19a), including one director of valuation at \$10,000 per annum, and traveling expenses, \$640,000.

Motor transport regulation: For all authorized expenditures necessary to enable the Interstate Commerce Commission to carry out the provisions of the Motor Carrier Act, approved August 9, 1935 (49 U. S. C. 301-327), including one director at \$10,000 per annum and other personal services in the District of Columbia and elsewhere; traveling expenses; supplies; services and equipment; not to exceed \$1,000 for purchase and exchange of books, reports, newspapers, and periodicals; contract stenographic reporting services; purchase (not to exceed \$18,000), exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles when necessary for official use in field work; not to exceed \$5,000 for the purchase of evidence in connection with investigations of apparent violations of said Act, \$3,690,000: *Provided*, That Joint Board members may use Government transportation requests when traveling in connection with the duties as Joint Board members.

Not to exceed \$2,500 of the appropriations herein made for the Interstate Commerce Commission shall be available for expenses, except membership fees, for attendance at meetings concerned with the work of the Commission, and not to exceed \$5,000 shall be available for expenses of packing, crating, drayage, and transportation of household and other personal effects (not to exceed 5,000 pounds in any one case) of officers and employees when transferred from one official station to another for permanent duty when specifically authorized by the Commission.

In all, salaries and expenses, Interstate Commerce Commission, \$8,858,750: *Provided*, That the Commission may procure supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved does not exceed \$50.

For all printing and binding for the Interstate Commerce Commission, including reports in all cases proposing general changes in transportation rates and not to exceed \$17,000 to print and furnish to the States, at cost, report form blanks, and the receipts from such reports and blanks shall be credited to this appropriation, \$200,000: *Provided*, That no part of this sum shall be expended for printing the Schedule of Sailings required by section 25 of the Interstate Commerce Act.

Total, Interstate Commerce Commission, \$9,058,750.

MARITIME LABOR BOARD

Salaries and expenses: For three Board members and for all other authorized and necessary expenditures of the Maritime Labor Board in performing the duties imposed by law, including contract stenographic reporting services; supplies and equipment; lawbooks and books of reference; rental of equipment; travel expenses, in accordance with the Standardized Government Travel Regulations and the

Personal services.

Valuation of property of carriers.

37 Stat. 701; 42 Stat. 624.

48 Stat. 221.
49 U. S. C., Supp. V, § 19a (note).

Motor transport regulation.

49 Stat. 543.
49 U. S. C., Supp. V, §§ 301-327.
Personal services.

Vehicles.

Proviso.
Use of Government transportation requests.

Attendance at meetings.

Transfer of personal effects.

Proviso.
Minor purchases.
Post, p. 1109.

Printing and binding.

Proviso.
Restriction.
41 Stat. 497.
49 U. S. C. § 25 (3).

Salaries and expenses.

Travel expenses.

44 Stat. 688.

Proviso.
Minor purchases.
Post, p. 1109.

Act of June 3, 1926, as amended (5 U. S. C. 821-833); and not to exceed \$200 for newspapers and periodicals; \$175,000: *Provided*, That the Board may procure supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved does not exceed \$100.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Expenses.

Traveling expenses,
etc.

Langley Memorial
Aeronautical Labora-
tory and research lab-
oratory.
53 Stat. 1306.
Vehicles.

Personal services.

Allowances.

5 U. S. C. § 118a.

Proviso.
Employment of re-
tired Army, etc., offi-
cer, salary provision.
42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

Printing and bind-
ing.

Construction and
equipment, Langley
Field, Va.

Moffett Field, Calif.

53 Stat. 1306.

For scientific research, technical investigations, and special reports in the field of aeronautics, including the necessary laboratory and technical assistants; contracts for personal services in the making of special investigations and in the preparation of special reports; traveling expenses of members and employees, including not to exceed \$1,500 for expenses, except membership fees, of attendance upon meetings of technical and professional societies; expenses of packing, crating, drayage, and transporting of household effects (not exceeding 5,000 pounds in any case) of employees when transferred from one official station to another for permanent duty; office supplies and other miscellaneous expenses, including technical periodicals and books of reference; equipment, maintenance, and operation of the Langley Memorial Aeronautical Laboratory and the research laboratory provided for in the Third Deficiency Appropriation Act, fiscal year 1939, approved August 9, 1939; purchase, maintenance, operation, and exchange of motor-propelled passenger-carrying vehicles; personal services in the field and not to exceed \$168,000 for personal services in the District of Columbia; in all, \$2,775,000, of which amount not to exceed \$2,000 may be expended for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (46 Stat. 818), but not to exceed \$1,700 for any one person: *Provided*, That the Committee is hereby authorized to pay the compensation, in accordance with the Classification Act of 1923, as amended, of a retired officer of the Army or Navy while performing service for the Committee, but while so serving such officer shall not be entitled to receive retired pay.

For all printing and binding for the National Advisory Committee for Aeronautics, including all of its offices, laboratories, and services located in Washington, District of Columbia, and elsewhere, \$25,000.

For construction and equipment of additional laboratory buildings and research facilities on the United States military reservation at Langley Field, Virginia, including connections to public utilities and necessary rights-of-way, to be immediately available, \$1,000,000.

Construction and equipment: For continuing construction and equipment of research laboratory (at Moffett Field, California) for which an initial appropriation of \$1,890,980 was provided in the Third Deficiency Appropriation Act, fiscal year 1939, \$4,200,000.

Total, National Advisory Committee for Aeronautics, \$8,000,000.

NATIONAL ARCHIVES

Salaries and ex-
penses.
Post, p. 634.
40 U. S. C., Supp.
V, ch. 2A.

44 U. S. C., Supp.
V, ch. 8 A.
44 U. S. C., Supp.
V, §§ 351-361.
Supplies and equip-
ment.

Salaries and expenses: For the Archivist and for all other necessary and authorized expenditures in carrying out the provisions of the Act of June 19, 1934 (48 Stat. 1122-1124; 40 U. S. C. ch. 2A), as amended; the Act of July 26, 1935 (49 Stat. 500-503; U. S. C., Supp. II, title 44, ch. 8A), as amended; the Act of July 18, 1939 (53 Stat. 1062-1066), and the Act of August 5, 1939 (53 Stat. 1219-1221); including personal services in the District of Columbia; supplies and equipment, including scientific, technical, first-aid, protective, and other apparatus and materials for the arrangement, titling,

scoring, repair, processing, editing, duplication, reproduction, and authentication of photographic and other records (including motion-picture and other films and sound recordings) in the custody of the Archivist; purchase and exchange of books, including law books, books of reference, maps, and charts; contract stenographic reporting services; purchase of newspapers, periodicals, and press clippings; not to exceed \$100 for payment in advance when authorized by the Archivist for library membership in societies whose publications are available to members only or to members at a price lower than to the general public; travel expenses, including not to exceed \$1,000 for the expenses of attendance at meetings concerned with the furtherance of the purposes of the said Acts; exchange of scientific and technical apparatus and labor-saving devices; repairs to equipment; purchase, including exchange, of one passenger-carrying motor vehicle and maintenance, operation, and repair of motor vehicles, \$906,200: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered when the aggregate cost involved does not exceed the sum of \$50.

Printing and binding: For all printing and binding, \$14,000.
Total, The National Archives, \$920,200.

Membership fees.

Attendance at meetings.

Vehicles.

Proviso.
Minor purchases.
Post, p. 1109.

Printing and binding.

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

For each and every purpose requisite for and incident to the work of the National Capital Park and Planning Commission necessary toward carrying into effect the provisions of the Act entitled "An Act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital", approved May 29, 1930; personal services, including real estate and other technical services, at rates of pay to be fixed by the Commission and not exceeding those usual for similar services and without reference to civil-service rules and the Classification Act of 1923, as amended; travel expenses; expenses of surveys and searching of titles, purchase of options, and all other costs incident to the acquisition of land, operation and maintenance of passenger-carrying vehicles for official use, \$850,000, to be expended in carrying out the provisions of section 4 of said Act, and to remain available until expended.

All expenses.

George Washington Memorial Parkway.

46 Stat. 482.
Personal services.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.
Acquisition of land.
Vehicles.

PROTECTION OF INTERESTS OF THE UNITED STATES IN MATTERS AFFECTING OIL LANDS IN FORMER NAVAL RESERVES

Protection of interests of the United States in matters affecting oil lands in former naval reserves: For compensation and expenses of special counsel and for all other expenses, including employment of experts and other assistants at such rates as may be authorized or approved by the President, in connection with carrying into effect the joint resolution entitled "Joint resolution directing the Secretary of the Interior to institute proceedings touching sections 16 and 36, township 30 south, range 23 east, Mount Diablo meridian", approved February 21, 1924, \$25,850, to be expended by the President: *Provided*, That no part of this sum shall be used to compensate any person at a rate in excess of \$10,000 per annum.

Compensation and expenses of special counsel, etc.

43 Stat. 15.
Proviso.
Restriction.

SECURITIES AND EXCHANGE COMMISSION

Salaries and expenses.

Attendance at meetings.

Proviso.
Minor purchases.
Post, p. 1109.

Printing and binding.

For five Commissioners, and other personal services in the District of Columbia, and for all other authorized expenditures of the Securities and Exchange Commission in performing the duties imposed by law or in pursuance of law, including employment of experts when necessary; contract stenographic reporting services; supplies and equipment; purchase and exchange of law books, books of reference, directories, periodicals, newspapers, and press clippings; travel expenses, including the expense of attendance, when specifically authorized by the Commission, at meetings concerned with the work of the Securities and Exchange Commission; garage rental; foreign postage; mileage and witness fees; rent of quarters outside the District of Columbia; rental of equipment; operation, maintenance, and repair of one motor-propelled passenger-carrying vehicle; purchase of rubber gloves; and other necessary expenses; \$5,330,000: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the Securities and Exchange Commission when the aggregate cost involved does not exceed the sum of \$50.

For all printing and binding for the Securities and Exchange Commission, \$70,000.

Total, Securities and Exchange Commission, \$5,400,000.

SMITHSONIAN INSTITUTION

Administrative expenses.

Ethnological investigations.

Astrophysical Observatory.

National Collection of Fine Arts.

Attendance at meetings.

Preservation of collections.

Printing and binding.

For expenses of the general administrative office; for the system of international exchanges between the United States and foreign countries; for continuing ethnological researches among the American Indians and the natives of Hawaii and the excavation and preservation of archeologic remains; for maintenance of the Astrophysical Observatory, including assistants, and making necessary observations in high altitudes; for cases, furniture, fixtures, and appliances required for the exhibition and safekeeping of collections; and for administration of the National Collection of Fine Arts; including personal services, purchase of books of reference and periodicals, traveling expenses, including not exceeding \$1,000 for expenses of attendance at meetings concerned with the work of the Institution when specifically authorized by the Secretary of the Smithsonian Institution; uniforms for guards, supplies and equipment, preparation of manuscripts, drawings, and illustrations, supplying of heating, lighting, electrical, telegraphic, and telephone service, repairs and alterations of buildings, shops, sheds, and approaches, and other necessary expenses, \$386,260.

Preservation of collections: For continuing preservation, exhibition, and increase of collections from the surveying and exploring expeditions of the Government, and from other sources, including personal services, traveling expenses, including not exceeding \$1,500 for expenses of attendance at meetings concerned with the work of the National Museum when specifically authorized by the Secretary of the Smithsonian Institution, purchasing and supplying, repairing and cleaning of uniforms for guards and elevator conductors, postage stamps, and foreign postal cards, and all other necessary expenses, and not exceeding \$5,500 for preparation of manuscripts, drawings, and illustrations for publications, and not exceeding \$3,000 for purchase of books, pamphlets, and periodicals, \$627,470.

Printing and binding: For all printing and binding for the Smithsonian Institution, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and else-

where, except the National Gallery of Art, \$73,000, of which not to exceed \$8,000 shall be available for printing the report of the American Historical Association.

Salaries and expenses, National Gallery of Art: For the upkeep and operation of the National Gallery of Art, the protection and care of the works of art therein, and all administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution Numbered 9, Seventy-sixth Congress), including personal services in the District of Columbia (except as otherwise provided in sec. 4 (c) of such Act); traveling expenses, including not exceeding \$1,000 for expenses of attendance at meetings concerned with the work of the National Gallery of Art, when specifically authorized by the treasurer of the gallery; streetcar fares; supplies; equipment including labor-saving machines and devices and the rental, repair, and exchange thereof; periodicals and books of reference; purchase, repair, and cleaning of uniforms for guards and elevator operators; not to exceed \$8,000 for printing and binding; purchase or rental of devices for protecting buildings and contents thereof; and maintenance and repair of buildings, approaches, and grounds, \$300,000: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the Smithsonian Institution in all its branches when the aggregate cost involved does not exceed the sum of \$100: *And provided further*, That said section 3709, the civil-service laws or the Classification Act of 1923, as amended, shall not apply to the restoration and repair of works of art for the National Gallery of Art, the cost of which shall not exceed \$15,000.

Total, Smithsonian Institution, \$1,386,730, of which amount not to exceed \$1,055,000 may be expended for personal services in the District of Columbia.

TARIFF COMMISSION

For salaries and expenses of the Tariff Commission, including personal services in the District of Columbia and elsewhere, purchase and exchange of labor-saving devices, the purchase and exchange of professional and scientific books, law books, books of reference, gloves and other protective equipment for photostat and other machine operators, rent in the District of Columbia and elsewhere, subscriptions to newspapers and periodicals, and contract stenographic reporting services, as authorized by sections 330 to 341 of the Tariff Act of 1930, approved June 17, 1930 (19 U. S. C. 1330-1341), \$905,000, of which amount not to exceed \$2,500 may be expended for expenses, except membership fees, of attendance at meetings concerned with subjects under investigation by the Commission; and not to exceed \$7,500 for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a), but not to exceed \$1,700 for any one person: *Provided*, That the Commission may procure supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved does not exceed \$50: *Provided further*, That no part of this appropriation shall be used to pay the salary of any member of the Tariff Commission who shall hereafter participate in any proceedings under sections 336, 337, and 338 of the Tariff Act of 1930, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative.

For all printing and binding for the Tariff Commission, \$15,000.
Total, Tariff Commission, \$920,000.

American Historical Association, report.

National Gallery of Art, maintenance.

20 U. S. C., Supp. V, §§ 71-75.

53 Stat. 577.
20 U. S. C., Supp. V, § 74.
Traveling expenses.

Printing and binding.

Provisos.
Minor purchases.
Post, p. 1109.

Repairs, etc.

42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Personal services.

Salaries and expenses.

Contract reporting services.
46 Stat. 696.
19 U. S. C., Supp. V, §§ 1330, 1334, 1340.
Attendance at meetings.

Living quarters.

46 Stat. 818.
Provisos.
Supplies and services.
Post, p. 1109.
Salary restriction.

46 Stat. 701.
19 U. S. C. §§ 1336-1338.

Printing and binding.

TENNESSEE VALLEY AUTHORITY

Expenses.
48 Stat. 58; 49 Stat.
1075; 53 Stat. 1083.
16 U. S. C., Supp.
V, §§ 831-831dd.

Designated dams.

Printing and bind-
ing.

Salaries and ex-
penses.

Proviso.
Accounting.
53 Stat. 542.

48 Stat. 71; 49 Stat.
1079.
16 U. S. C., Supp.
V, § 831y.
Post, p. 781.
Payment of obliga-
tions.

For the purpose of carrying out the provisions of the Act entitled "The Tennessee Valley Authority Act of 1933", approved May 18, 1933, as amended by the Act approved August 31, 1935, and by the Act approved July 26, 1939 (16 U. S. C., ch. 12a), including the continued construction of Chickamauga Dam; Hiwassee Dam; Kentucky Dam at Gilbertsville, Kentucky; Watts Bar Dam; and for construction of a dam near Lenoir City, Tennessee, and the acquisition of necessary land, the clearing of such land, relocation of highways, and the construction or purchase of transmission lines and other facilities, and all other necessary works authorized by such Acts, and for printing and binding, lawbooks, books of reference, newspapers, periodicals, purchase, maintenance, and operation of passenger-carrying vehicles, rents in the District of Columbia and elsewhere, and all necessary salaries and expenses connected with the organization, operation, and investigations of the Tennessee Valley Authority, and for examination of estimates of appropriations and activities in the field, \$40,000,000: *Provided*, That this appropriation and any unexpended balance on June 30, 1940, in the "Tennessee Valley Authority fund, 1940", and the receipts of the Tennessee Valley Authority from all sources during the fiscal year 1941 (subject to the provisions of section 26 of the Tennessee Valley Authority Act of 1933, as amended), shall be covered into and accounted for as one fund to be known as the "Tennessee Valley Authority fund, 1941", to remain available until June 30, 1941, and to be available for the payment of obligations chargeable against the "Tennessee Valley Authority fund, 1940".

THOMAS JEFFERSON MEMORIAL COMMISSION

Expenses.

For carrying out the provisions of the Act entitled "An Act to authorize the execution of plans for a permanent memorial to Thomas Jefferson", approved June 3, 1936 (49 Stat. 1397), including continuation of construction of such memorial, \$480,000, to remain available until expended.

UNITED STATES MARITIME COMMISSION

Construction fund.
49 Stat. 1985.
46 U. S. C., Supp.
V, §§ 1101-1279.
Administrative ex-
penses.
Travel expenses.

44 Stat. 638.
5 U. S. C. §§ 821-833.

Printing and bind-
ing.

Automobiles.

To increase the construction fund established by the "Merchant Marine Act, 1936", \$144,500,000, of which not to exceed \$5,000,000 shall be available for administrative expenses of the United States Maritime Commission, including the following: Personal services in the District of Columbia and elsewhere; travel expenses in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended, including not to exceed \$2,000 for expenses of attendance, when specifically authorized by the Chairman of the Commission, at meetings concerned with work of the Commission; printing and binding; lawbooks, books of reference, and not to exceed \$4,000 for periodicals and newspapers; contract stenographic reporting services; procurement of supplies, equipment, and services, including telephone, telegraph, radio, and teletype services; purchase and exchange (not to exceed \$3,000), maintenance, repair, and operation of passenger-carrying automobiles for official use; typewriting and adding machines, and other labor-saving devices, including their repair and exchange; rent, including heat, light, and power, in the District of Columbia and elsewhere; expenses (not exceeding \$15,000) of packing, crating, drayage, and transportation of household effects and other personal property (not exceeding 5,000 pounds in any one case) of employees when transferred from one official station to another for permanent duty, upon

specific authorization by the Chairman of the Commission; expenses incurred in preparing and transporting, to their former homes in this country or to a place not more distant, the remains of employees who may die while in the discharge of their official duties abroad or in transit thereto or therefrom, and for the ordinary expenses of interment of such remains; necessary expenses (not exceeding \$5,000) incident to the education and training of personnel of the Commission detailed at institutions for scientific education and research as authorized by the Act of August 4, 1939; compensation as authorized by said Act of August 4, 1939, for officers of the Army, Navy, Marine Corps, or Coast Guard, detailed to the Commission; allowances for living quarters, including heat, fuel, and light, as authorized by the Act of June 26, 1930; and including not to exceed \$75,000 for the employment, on a contract or fee basis, of persons, firms, or corporations for the performance of special services, including accounting, legal, actuarial, and statistical services, without regard to section 3709 of the Revised Statutes.

Burial, etc., expenses.

Scientific education and research, details.
53 Stat. 1182.
46 U. S. C., Supp. V, § 1111 (f).
Army, etc., details.
Living quarters.
46 Stat. 818.
5 U. S. C. § 118a.
Special services.

41 U. S. C. § 5.

VETERANS' ADMINISTRATION

Administration, medical, hospital, and domiciliary services: For all salaries and expenses of the Veterans' Administration, including the expenses of maintenance and operation of medical, hospital, and domiciliary services of the Veterans' Administration, in carrying out the duties, powers, and functions devolving upon it pursuant to the authority contained in the Act entitled "An Act to authorize the President to consolidate and coordinate governmental activities affecting war veterans", approved July 3, 1930 (38 U. S. C. 11-11f), and any and all laws for which the Veterans' Administration is now or may hereafter be charged with administering, \$101,228,240: *Provided*, That not to exceed \$3,500 of this amount shall be available for expenses, except membership fees, of employees, detailed by the Administrator of Veterans' Affairs to attend meetings of associations for the promotion of medical science or for the betterment of insurance practices and conventions of organized war veterans: *Provided further*, That this appropriation shall be available also for personal services and rentals in the District of Columbia and elsewhere, including traveling expenses; examination of estimates of appropriations in the field, including actual expenses of subsistence or per diem allowance in lieu thereof; for expenses incurred in packing, crating, drayage, and transportation of household effects and other property, not exceeding in any one case five thousand pounds, of employees when transferred from one official station to another for permanent duty and when specifically authorized by the Administrator; furnishing and laundering of such wearing apparel as may be prescribed for employees in the performance of their official duties; purchase and exchange of lawbooks, books of reference, periodicals, and newspapers; for passenger-carrying and other motor vehicles, including purchase, maintenance, repair, and operation of same, including not more than two passenger automobiles for general administrative use of the central office in the District of Columbia; and notwithstanding any provisions of law to the contrary, the Administrator is authorized to utilize Government-owned automotive equipment in transporting children of Veterans' Administration employees located at isolated stations to and from school under such limitations as he may by regulation prescribe; and notwithstanding any provisions of law to the contrary, the Administrator is authorized to expend not to exceed \$2,000 of this appropriation for actuarial services pertaining to the Government life-insurance fund, to be obtained by contract, without obtaining competition, at such rates

Salaries and expenses.
Post, pp. 634, 1012.

46 Stat. 1016.

Provisos.
Attendance at meetings, etc.

Services, rentals, traveling expenses, etc.

Subsistence, etc.

Wearing apparel.

Vehicles.

School transportation.

Actuarial services.

Transfer of funds.	of compensation as he may determine to be reasonable; for allotment and transfer to the Public Health Service, the War, Navy, and Interior Departments, for disbursement by them under the various headings of their applicable appropriations, of such amounts as are necessary for the care and treatment of beneficiaries of the Veterans' Administration, including minor repairs and improvements of existing facilities under their jurisdiction necessary to such care and treatment; for expenses incidental to the maintenance and operation of farms; for recreational articles and facilities at institutions maintained by the Veterans' Administration; for administrative expenses incidental to securing employment for war veterans; for funeral, burial, and other expenses incidental thereto for beneficiaries of the Veterans' Administration accruing during the year for which this appropriation is made or prior fiscal years: <i>Provided further</i> , That the appropriations herein made for the care and maintenance of veterans in hospitals or homes under the jurisdiction of the Veterans' Administration shall be available for the purchase of tobacco to be furnished, subject to such regulations as the Administrator of Veterans' Affairs shall prescribe, to veterans receiving hospital treatment or domiciliary care in Veterans' Administration hospitals or homes: <i>Provided further</i> , That this appropriation shall be available for continuing aid to State or Territorial homes for the support of disabled volunteer soldiers and sailors, in conformity with the Act approved August 27, 1888 (24 U. S. C. 134), as amended, for those veterans eligible for admission to Veterans' Administration facilities for hospital or domiciliary care: <i>Provided further</i> , That the Administrator is hereby authorized to employ medical consultants for duty on such terms as he may deem advisable and without regard to the Classification Act of 1923, as amended: <i>Provided further</i> , That this appropriation shall be available for the purchase directly from sources authorized by the common carriers of printed reduced fare requests for use by veterans when traveling at their own expense from or to Veterans' Administration facilities.
Recreational facilities.	
Burial, etc., expenses.	
Purchase of tobacco.	
Aid to State, etc., homes.	
25 Stat. 450.	
Employment of medical consultants.	
42 Stat. 1488. 5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c. Purchase of printed reduced fare requests.	
Use for new construction, etc., forbidden.	
Repairs, etc.	No part of this appropriation shall be expended for the purchase of any site for or toward the construction of any new hospital or home, or for the purchase of any hospital or home; and not more than \$2,500,000 of this appropriation may be used to repair, alter, improve, or provide facilities in the several hospitals and homes under the jurisdiction of the Veterans' Administration either by contract or by the hire of temporary employees and the purchase of materials.
Printing and binding.	For printing and binding for the Veterans' Administration, including all its bureaus and functions located in Washington, District of Columbia, and elsewhere, \$120,000.
Pensions.	Pensions: For the payment of compensation, pensions, gratuities, and allowances, now authorized under any Act of Congress, or regulation of the President based thereon, or which may hereafter be authorized, including emergency officers' retirement pay and annuities, the administration of which is now or may hereafter be placed in the Veterans' Administration, accruing during the fiscal year for which this appropriation is made or in prior fiscal years, \$456,492,304, to be immediately available.
Emergency officers' retirement pay, etc.	
Military and naval insurance.	For military and naval insurance accruing during the fiscal year for which this appropriation is made or in prior fiscal years, \$20,000,000.
Hospital and domiciliary facilities. Post, p. 636. Provisos. Extension of facilities.	Hospital and domiciliary facilities: For hospital and domiciliary facilities, \$2,165,000, to remain available until expended: <i>Provided</i> , That this amount shall be available for use by the Administrator of Veterans' Affairs, with the approval of the President, for extending any of the facilities under the jurisdiction of the Veterans' Administration or for any of the purposes set forth in sections 1 and 2 of the

Act approved March 4, 1931 (38 U. S. C. 438j): *Provided further*, That not to exceed 3 per centum of this amount shall be available for the employment in the District of Columbia and in the field of necessary technical and clerical assistants to aid in the preparation of plans and specifications for the projects as approved hereunder and in the supervision of the execution thereof, and for traveling expenses, rentals in the District of Columbia, field office equipment, and supplies in connection therewith.

Total, Veterans' Administration, \$580,005,544: *Provided*, That no part of this appropriation shall be expended for the purchase of oleomargarine or butter substitutes except for cooking purposes: *Provided further*, That no part of this appropriation can be used for hospitalization or examination of persons other than veterans unless a reciprocal schedule of pay is in effect with the agency or department involved.

SEC. 2. In expending appropriations or portions of appropriations contained in this Act, for the payment of personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade except that in unusually meritorious cases of one position in a grade, advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service; or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such Act; (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade, in the same or different bureau, office, or other appropriation unit; (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law; or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

SEC. 3. During the fiscal year ending June 30, 1941, the salaries of the members of the Authority and the Administrator, Civil Aeronautics Authority, of the Commissioners of the Interstate Commerce Commission, the Commissioners of the United States Maritime Commission, and the Commissioners of the United States Tariff Commission shall be at the rate of \$10,000 each per annum.

SEC. 4. No part of any appropriation contained in this Act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States, or of any agency the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States unless such person is a citizen of the United States, or a person in the service of the United States on the date of the approval of this Act who being eligible for citizenship has filed a declaration of intention to become a citizen or who owes allegiance to the United States.

SEC. 5. The total amount used on an annual basis for administrative within-grade promotions for officers and employees under any appropriation or other fund made available in this Act shall not

46 Stat. 1550-1551.
Technical and clerical assistants.

Proviso.
Butter substitutes, etc.

Hospitalization, etc., restrictions.
Post, p. 635.

Salary restrictions.

42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Proviso.
Restriction not applicable in designated cases.

42 Stat. 1490.
5 U. S. C. § 666.

Salaries of designated officials fixed.

Citizenship requirements.

Administrative within-grade promotions.

exceed the amount determined by the Bureau of the Budget to be available for such purpose on the basis of the Budget estimate for such appropriation or fund exclusive of new money in any such Budget estimate for such administrative promotions.

Short title.

SEC. 6. This Act may be cited as the "Independent Offices Appropriation Act, 1941".

Approved, April 18, 1940.

[CHAPTER 108]

AN ACT

To legalize a bridge across the Nestucca River at Pacific City, Oregon.

April 18, 1940
[H. R. 7989]
[Public, No. 460]

Nestucca River.
Bridge across, at
Pacific City, Oreg.,
legalized.

Proviso.
State authorization,
etc.

Structure deemed
lawful, etc.

Amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chief of Engineers and the Secretary of War are hereby authorized to approve the location and plans of a bridge already constructed by the county of Tillamook across the Nestucca River at Pacific City, Oregon: *Provided*, That said bridge has been authorized by the legislature of the State of Oregon and as located and constructed affords free, easy, and unobstructed navigation.

SEC. 2. That when the location and plans of said bridge have been so approved, said bridge shall be deemed a lawful structure and subject to the laws enacted by Congress for the protection and preservation of the navigable waters of the United States.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 18, 1940.

[CHAPTER 109]

AN ACT

To authorize the Secretary of War to furnish certain markers for certain graves.

April 18, 1940
[H. R. 8083]
[Public, No. 461]

Grave markers for
deceased veterans.
Type of, to be fur-
nished where stone
markers not accept-
able.

Proviso.
National cemeteries,
etc.
24 U. S. C. § 279.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of existing law the Secretary of War is authorized to furnish, upon application, for use on graves in cemeteries where stone markers are not acceptable, a headstone or marker of such standard design and material as may be approved by him, within the limit of prevailing costs of the standard World War type headstone, for the grave of any deceased person for which the Secretary of War is authorized to furnish a marker or headstone: *Provided*, That the Secretary of War shall furnish the upright stone marker, authorized by section 4877 of the Revised Statutes, for cemeteries under the jurisdiction of the Secretary of War.

Approved, April 18, 1940.

[CHAPTER 116]

AN ACT

Authorizing the Secretary of the Navy to sell certain surplus land owned by the United States in Bremerton, Washington.

April 20, 1940
[H. R. 7081]
[Public, No. 462]

Bremerton, Wash.
Sale of land au-
thorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized to sell at such price as he shall deem reasonable, and in connection with such sale to convey, all the right, title, and interest of the United States in and to the east nine-foot strip of lot 47, block 14, original plat of Bremerton, Kitsap County, Washington.

Approved, April 20, 1940.

[CHAPTER 117]

AN ACT

To extend original jurisdiction to district courts in civil suits between citizens of the District of Columbia, the Territories of Hawaii or Alaska, and any State or Territory.

April 20, 1940
[H. R. 8822]
[Public, No. 463]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (b) of paragraph (1), section 24, of the Judicial Code, as amended (U. S. C., 1934 edition, title 28, sec. 41; Supp. IV, title 28, sec. 41), be, and the same is hereby, amended to read as follows:

Judicial Code,
amendment.
36 Stat. 1091.

“(b) Is between citizens of different States, or citizens of the District of Columbia, the Territory of Hawaii, or Alaska, and any State or Territory.”

U. S. district courts.
Original jurisdiction
in civil suits extended.

Approved, April 20, 1940.

[CHAPTER 118]

AN ACT

To amend the Act entitled “An Act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor”, approved February 23, 1931, as amended.

April 20, 1940
[H. R. 8446]
[Public, No. 464]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled “An Act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor”, approved February 23, 1931, as amended, be, and the same is hereby, amended as follows: Section 26 (e) of said Act, as amended by the Act of April 24, 1939, is amended to read as follows:

Foreign Service re-
tirement and disabil-
ity system.

46 Stat. 1211.
22 U. S. C. § 21 (e);
Supp. V, § 21 (e).
53 Stat. 585.
Post, p. 184.

“(e) The annuity of a retired Foreign Service officer shall be equal to 2 per centum of his average annual basic salary for the ten years next preceding the date of retirement, multiplied by the number of years of service not exceeding thirty years and in determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, in the total service shall be eliminated: *Provided*, That at the time of his retirement a Foreign Service officer, if the husband of a wife to whom he has been married for at least five years, may elect to receive a reduced annuity and designate his wife as his beneficiary, to whom will be paid any portion up to two-thirds of his reduced annuity, at the option of the officer, as long as she may live after his death: *Provided, however*, That the annuity payable to the widow shall in no case exceed 25 per centum of the officer’s average annual basic salary for the ten years next preceding the date of retirement. If the age of the officer is less than the age of the wife or exceeds her age by not more than eight years, the annuity of the officer will be reduced by an amount equal to one-half the annuity which he elects to have paid to his widow. If the age of the officer exceeds the age of the wife by more than eight years, the annuity of the officer will be reduced by an amount equal to one-half the annuity which he elects to have paid to his widow plus an additional reduction equal to 2 per centum of such widow’s annuity for each year, or fraction thereof, that the difference in age exceeds eight: *Provided further*, That the officer may at his option also elect to have his annuity reduced by an additional 5 per centum of the amount which he elects to have paid to his widow, with a provision that, from and after the death of his wife, if the officer shall survive her, the annuity payable to the officer shall be that amount which would

Annuities; amount.

Providos.
Wife as beneficiary.

Annuity payable to
widow, limitation.

Computation of
amounts.

Survivorship provi-
sion.

Retired officers receiving annuities on effective date of Act.

Increases not to operate retroactively; no reductions.

Exception.

Effective date of section 1.

53 Stat. 583.

Retired officer electing reduced annuity and life annuity to widow, amendment of election.

46 Stat. 1211; 53 Stat. 585.
22 U. S. C. § 21 (e);
Supp. V, § 21 (e).

Proviso.
Effective date of amended election.

Extension of time for making election.

Proviso.
Effective date of election.

Effective date of Act.

have been payable if no option had been elected: *Provided further*, That a retired officer who is receiving an annuity on the effective date of this Act, if the husband of a wife to whom he was married at the time of his retirement and for a total period of at least five years, shall be entitled under the same terms and conditions set forth above, to elect to receive a reduced annuity, a portion of which will be continued on his death throughout the life of his surviving widow, but all such elections by retired officers shall be made within six months following the effective date of this Act, and they shall all be effective on the same date, to be prescribed by the President: *And provided further*, That no increases in annuities under this Act shall operate retroactively and nothing in this Act shall be interpreted as reducing the rate of the annuity received by any retired officer on the effective date of this Act, unless the officer voluntarily elects to receive a reduced annuity as provided herein."

SEC. 2. The provisions of section 1 of this Act shall be construed and interpreted in every respect as having been in effect on and after July 1, 1939 (the effective date of the Act of April 24, 1939, which it amends), and, accordingly, any retired officer is hereby authorized to avail himself of the benefits of these provisions, as follows:

(a) A retired officer who elected to receive a reduced annuity and a life annuity payable to his surviving widow as provided in section 26 (e) of the Act of February 23, 1931, as amended by the Act of April 24, 1939, is hereby authorized, within six months of the effective date of this Act, to amend such election in accordance with the additional provisions of the aforesaid section 26 (e) as established by section 1 of this Act and to change the amount thereof within the limitations established by these provisions: *Provided*, That such an amended election shall be effective on the first day of the calendar month in which the application is filed, except where the wife of such an officer has died since September 1, 1939, the date heretofore fixed in accordance with law as the effective date for such elections, such amended election shall be considered effective as of the latter date.

(b) A retired officer who did not elect to receive a reduced annuity and a life annuity payable to his surviving widow, as provided in section 26 (e) of the Act of February 23, 1931, as amended by the Act of April 24, 1939, is hereby authorized, within six months of the effective date of this Act to make such an election, but only in accordance with the additional provisions of the aforesaid section 26 (e) as provided in section 2 of this Act: *Provided*, That such an election shall be effective on the first day of the calendar month in which the application is filed.

SEC. 3. This Act shall take effect on the 1st day of the calendar month following the date of its approval by the President.

Approved, April 20, 1940.

[CHAPTER 119]

AN ACT

April 20, 1940

[S. 3067]

[Public, No. 465]

Navy and Marine Corps.

Disposition of remains of personnel and certain civilian employees; funds authorized.

Post, p. 248.

Authorizing appropriations to be made for the disposition of the remains of personnel of the Navy and Marine Corps and certain civilian employees of the Navy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds to be expended under such regulations as the Secretary of the Navy may prescribe are hereby authorized to be appropriated as may be necessary from time to time for the funeral expenses of the deceased persons hereinafter specified.

SEC. 2. The words "funeral expenses" as used in this Act, and in subsequent Acts appropriating funds as herein authorized, shall be construed to include the expenses of, and incident to, the recovery of bodies; cremation, but only on request of the relatives of the deceased; preparation for burial; transportation to the home of the deceased or to a national or other cemetery designated by proper authority; and interment.

"Funeral expenses" defined.

SEC. 3. Funeral expenses shall be allowed for—

Persons entitled to benefits.
Post, p. 248.

(a) Officers and enlisted men of the Navy and Marine Corps, including those on the retired lists who die while on active duty;

(b) Members of the Nurse Corps (female) of the Navy, including those on the retired list who die while on active duty;

(c) Members of the Naval Reserve or Marine Corps Reserve who die while on active or training duty, or while performing authorized travel to or from such duty;

(d) Accepted applicants for enlistment;

(e) Civilian employees of the Navy Department or the Naval Establishment who have been ordered away from their homes in the United States to duty outside the continental limits of the United States and who die while on such duty or while performing authorized travel to or from such duty;

(f) Former enlisted men of the Navy and Marine Corps who were discharged while patients in hospitals and who remain as patients in such hospitals to the day of their death; and

(g) Pensioners and destitute patients who die in naval hospitals: *Provided*, That only the expenses of preparation for burial and interment shall be allowed in disposing of the remains of such pensioners and destitute patients.

Pensioners and destitute patients dying in naval hospitals.
Proviso.
Restriction.

SEC. 4. The provisions of this Act shall apply in the case of personnel temporarily absent with or without leave when death occurred.

Personnel temporarily absent when death occurred.

SEC. 5. In any case where funeral expenses authorized by this Act are incurred prior to receipt of official authority, reimbursement may be made in the amount allowed by the Navy Department for such services.

Reimbursement for expenses incurred; limitation.

SEC. 6. Funds to be expended under such regulations as the Secretary of the Navy may prescribe are hereby authorized to be appropriated as may be necessary from time to time for the purchase and care of cemetery lots; for the care of graves of deceased personnel of the Navy and Marine Corps outside the continental limits of the United States, with which shall be included those in sites not owned by the United States; and for the removal of remains from abandoned cemeteries to naval or national cemeteries or to the homes of the persons deceased, with which shall be included remains interred in isolated graves in the United States and abroad and remains temporarily interred.

Items included in expenses.
Post, p. 279.

Approved, April 20, 1940.

[CHAPTER 123]

AN ACT

To authorize an exchange of lands between the city of San Diego, California, and the United States, and acceptance by gift of certain lands from the city of San Diego, California.

April 22, 1940
[S. 2993]

[Public, No. 466]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to transfer under such conditions as may be approved by the said Secretary, to the city of San Diego, California, without cost to the said city of San Diego, California, all right, title, and interest in and to the following parcels,

San Diego, Calif.
Exchange of lands authorized.

situated in the city of San Diego, California, metes and bounds descriptions of which are on file in the Navy Department:

Parcel A. Sixty-one and seventy-two one-hundredths acres, more or less, of Marine Corps base area adjacent to the municipal airport, lying between the southwesterly prolongation of the southeasterly lines of Harasthy Street and Southerland Street to the combined pierhead and bulkhead line;

Parcel B. A triangular piece of land of the naval supply depot on the westerly side of Pacific Highway between E Street and F Street, containing six hundred and nineteen square feet, more or less;

Parcel C. A strip of land ten and one-half feet wide, of the naval training station, extending along and adjacent to Rosecrans Street, between Lytton Street and Lowell Street, including a curbed corner at the intersection of Lytton Street and Rosecrans Street, containing an area of one and sixty-eight one-hundredths acres, more or less;

Parcel D. That portion of the Marine Corps base lying to the north of the south side of Water Street extending easterly from Wright Street, containing an area of four and twenty-five one-hundredths acres, more or less;

Parcel E. A triangular piece of land comprising the corner at the intersection of Barnett Avenue and Pacific Highway, being a part of the Marine Corps base, containing an area of twenty-five one-hundredths of an acre, more or less;

Parcel F. Three areas comprising one and thirty-six one-hundredths acres, more or less, being a part of the destroyer base situated on the north and south sides of Bay Front Street included in the proposed Harbor Drive and a small parcel to the east thereof; in consideration of the transfer and quitclaim to the United States by said city of San Diego, free from all encumbrances, except as hereinafter provided, and without cost to the United States, all right, title, and interest which the said city may claim in and to the following parcels, metes and bounds descriptions of which are on file in the Navy Department:

Parcel 1. A parcel of land between Broadway and E Street and between Pacific Highway and the westerly line of Belt Street in the city of San Diego, California, containing an area of one and ninety-three one-hundredths acres, more or less, excepting and reserving therefrom (a) the area held and occupied by The Sunset Sea Food Company under a lease that expires on July 20, 1951; and (b) the area held and occupied by the Star and Crescent Oil Company under a lease that expires April 30, 1942: *Provided*, That the areas held under said leases, upon expiration of the terms thereof, become the property of the United States in fee simple.

Parcel 2. A parcel of land between E Street and F Street and between Harbor Street and the easterly line of Belt Street in the city of San Diego, California, containing an area of two and seven one-hundredths acres, more or less; excepting and reserving therefrom the area held and occupied by The Union Ice Company under a lease that expires on September 23, 1941: *Provided*, That the area held under said lease, upon expiration of the term thereof becomes the property of the United States in fee simple.

Parcel 3. A parcel of land between F Street and Market Street and Harbor Street and Pacific Highway, in the city of San Diego, California, containing an area of four and twenty-six one-hundredths acres, more or less, excepting and reserving therefrom (a) the area held and occupied by the Arrowhead Puritas Distributors, Incorporated, under a lease that expires on February 28, 1947; and (b) the area held and occupied by the General Petroleum Corpora-

Proviso.
Status of areas un-
der leases.

Proviso.
Status of area un-
der lease.

tion under a lease that expires on March 31, 1948: *Provided*, That the areas held under said leases, upon the expiration of the terms thereof, become the property of the United States in fee simple.

Proviso.
Status of areas under leases.

Parcel 4. A parcel of land between the United States bulkhead line and the United States pierhead line, lying southerly and adjacent to the present Navy pier in the city of San Diego, California, containing an area of two and seventy-seven one-hundredths acres, more or less: *Provided*, That said parcels 1 to 4, inclusive, shall be used for military purposes, and particularly for the purpose of establishing and maintaining thereon piers, landings, buildings, and structures to be used by the United States and reserving to the said city of San Diego perpetual easements in said parcels for the laying and maintaining of underground public utilities, such as sewers, drains, water mains, gas, electric, and power lines across said parcels wherever necessary or convenient.

Proviso.
Uses and purposes, parcels 1 to 4.

SEC. 2. The Secretary of the Navy is further authorized, on behalf of the United States, to accept from the city of San Diego, California, without cost to the United States, all right, title, and interest of the said city in and to the following-described parcels of land situated in the city of San Diego, California:

Parcel 1. A strip of municipal tidelands four hundred and thirty and five-tenths feet in width and containing fourteen and fifty-one one-hundredths acres, more or less, in the city of San Diego, California, lying northerly of and adjacent to the northerly line of the United States destroyer base for military uses of the United States and particularly to be used by the Navy Department in connection with and as part of the naval destroyer base in the city of San Diego;

Parcel 2. All land lying between the high-water mark and the westerly line of proposed Harbor Drive adjacent to the easterly boundary of the destroyer base, in the city of San Diego, California, excluding that portion of the destroyer base embraced within the proposed Harbor Drive on the northerly and southerly sides of Bay Front Street and to the east of proposed Harbor Drive, containing an area of eight acres, more or less;

Parcel 3. All that portion of Balboa Park, in the city of San Diego, California, in pueblo lots 1136 and 1143 of the pueblo lands of the city of San Diego, California, adjoining the southeasterly, southerly, and southwesterly boundaries of the Naval Hospital, San Diego, California, containing an area of thirty-two and ninety-three one-hundredths acres, more or less;

Parcel 4. A triangular area embracing portions of lots 2 to 11, inclusive, in West Atlantic Street Addition and a triangular area embracing the unnumbered block in Middletown, lots 7 to 12, inclusive, of block 231; and lots 7 to 12, inclusive, of block 236, in the city of San Diego, California, adjoining the northerly and easterly portions of the athletic field of the Marine Corps base, San Diego, California, containing an area of two acres, more or less.

SEC. 3. The Secretary of the Navy is further authorized, on behalf of the United States, to accept from the city of San Diego, California, without cost to the United States, all right, title, and interest of the said city in and to such other areas abutting the naval properties at San Diego, California, as will bring the exterior boundaries thereof to the adjoining boundary of the proposed Harbor Drive as now or hereafter may be located.

SEC. 4. The acceptance by the Secretary of the Navy of the transfer or quitclaim by the city of San Diego of any of the lands herein mentioned shall not be construed as a relinquishment by the United

Federal rights reserved.

States of its claim of title or interest in said land in any manner arising.

Amendment, etc.

SEC. 5. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 22, 1940.

[CHAPTER 124]

AN ACT

April 22, 1940

[S. 3440]

[Public, No. 467]

To amend the Locomotive Inspection Act of February 17, 1911, as amended, so as to change the title of the chief inspector and assistant chief inspectors of locomotive boilers.

Locomotive Inspection Act, amendments.

36 Stat. 913.
45 U. S. C. §§ 22-34.
Titles of designated officers changed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto", approved February 17, 1911, as amended, is amended—

(1) By striking out "chief inspector" wherever appearing therein and inserting in lieu thereof "director of locomotive inspection".

(2) By striking out "assistant chief inspector" wherever appearing therein and inserting in lieu thereof "assistant director of locomotive inspection".

(3) By striking out "assistant chief inspectors" wherever appearing therein and inserting in lieu thereof "assistant directors of locomotive inspection".

(4) By striking out "of locomotive boilers" in the first sentence of section 3 and in section 9.

Textual amendments.

SEC. 2. Section 2 of the Act entitled "An Act to amend an Act entitled 'An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto', approved February seventeenth, nineteen hundred and eleven", approved March 4, 1915, is amended—

(1) By striking out "chief inspector" and inserting in lieu thereof "director of locomotive inspection".

(2) By striking out "assistant chief inspectors" and inserting in lieu thereof "assistant directors of locomotive inspection".

No new office, etc., created.

SEC. 3. Nothing in this Act shall be construed to create any new office or to create a vacancy in any office the title of which is changed by this Act.

Approved, April 22, 1940.

[CHAPTER 125]

AN ACT

April 22, 1940

[H. R. 6379]

[Public, No. 468]

To amend section 1 of an Act entitled "An Act authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work", approved February 28, 1929 (45 Stat. 1406).

Reclamation work.
43 U. S. C. § 411b.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of February 28, 1929 (45 Stat. 1406), authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work is hereby amended to read as follows:

Employment of engineers, etc., for consultation on important work.

"That the Secretary of the Interior is authorized, in his judgment and discretion, to employ for consultation purposes on important reclamation work ten consulting engineers, geologists, appraisers,

and economists, at rates of compensation to be fixed by him, but not to exceed \$50 per day for any engineer, geologist, appraiser, or economist so employed: *Provided*, That the total compensation paid to any engineer, geologist, appraiser, or economist during any fiscal year shall not exceed \$5,000: *Provided further*, That notwithstanding the provisions of any other Act, retired officers of the Army or Navy may be employed by the Secretary of the Interior as consulting engineers in accordance with the provisions of this Act."

Approved, April 22, 1940.

Provisos.
Compensation, limitation.
Employment of retired Army and Navy officers.

[CHAPTER 126]

AN ACT

To reenact section 259 of the Judicial Code, relating to the traveling and subsistence expenses of circuit and district judges.

April 22, 1940
[H. R. 7015]
[Public, No. 469]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 259 of the Judicial Code (U. S. C., title 28, sec. 374) is hereby reenacted, the section reading as follows:

Judicial Code,
amendment.
36 Stat. 1161.

"SEC. 259. The circuit justices, the circuit and district judges of the United States, and the judges of the district courts of the United States in Alaska, Hawaii, and Puerto Rico, shall each be allowed and paid his necessary expenses of travel, and his reasonable expenses (not to exceed \$10 per day) actually incurred for maintenance, consequent upon his attending court or transacting other official business in pursuance of law at any place other than his official place of residence, said expenses to be paid by the marshal of the district in which such court is held or official business transacted, upon the written certificate of the justice or judge. The official place of residence of each circuit and district judge, and of each judge of the district courts of the United States in Alaska, Hawaii, and Puerto Rico, shall be at that place nearest his actual residence at which either a circuit court of appeals or a district court is regularly held. Every such judge shall, upon his appointment, and from time to time thereafter whenever he may change his official residence, in writing notify the Department of Justice of his official place of residence."

Expense allowance
to designated judges
away from official residence.

Official residence.

SEC. 2. This Act shall take effect July 1, 1939.

Effective date.

Approved, April 22, 1940.

[CHAPTER 127]

AN ACT

To amend the District of Columbia Unemployment Compensation Act.

April 22, 1940
[H. R. 7265]
[Public, No. 470]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 (b) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935, as amended, is further amended by adding a new paragraph:

District of Columbia Unemployment Compensation Act, amendment.
49 Stat. 946.
8 D. C. Code, Supp. V, § 311 (b).
"Employment" not to include newspaper, etc., carriers.
Post, p. 730.

"(9) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution."

SEC. 2. This amendment shall be effective January 1, 1940.

Effective date.

Approved, April 22, 1940.

[CHAPTER 128]

AN ACT

To amend laws for preventing collisions of vessels.

April 22, 1940
[H. R. 7420]
[Public, No. 471]

Navigation rules for
harbors, etc., gener-
ally.

30 Stat. 98.
Post, p. 163.
Anchor lights on
small vessels.

Provisos.
"Special anchorage
areas."

Exempted vessels.

Large vessels.

Vessel length de-
fined.

28 Stat. 647.

Great Lakes, etc.
Anchor lights on
small vessels.

Provisos.
"Special anchorage
areas."

Exempted vessels.

Large vessels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That article 11 of section 1 of the Act of June 7, 1897 (U. S. C., 1934 edition, title 33, sec. 180), be, and is hereby, amended to read as follows:

"ART. 11. A vessel under one hundred and fifty feet in length when at anchor shall carry forward, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least one mile: *Provided*, That the Secretary of War may, after investigation, by rule, regulation, or order, designate such areas as he may deem proper as 'special anchorage areas'; such special anchorage areas may from time to time be changed, or abolished, if after investigation the Secretary of War shall deem such change or abolition in the interest of navigation: *Provided further*, That vessels not more than sixty-five feet in length when at anchor in any such special anchorage area shall not be required to carry or exhibit the white light required by this article.

"A vessel of one hundred and fifty feet or upward in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than twenty and not exceeding forty feet above the hull, one such light, and at or near the stern of the vessel, and at such a height that it shall be not less than fifteen feet lower than the forward light, another such light.

"The length of a vessel shall be deemed to be the length appearing in her certificate of registry."

SEC. 2. Rule 9 of section 1 of the Act of February 8, 1895, as amended (U. S. C., 1934 edition, title 33, sec. 258), be, and is hereby, amended to read as follows:

"RULE 9. A vessel under one hundred and fifty feet register length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light constructed so as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least one mile: *Provided*, That the Secretary of War may, after investigation, by rule, regulation, or order designate such areas as he may deem proper as 'special anchorage areas'; such special anchorage areas may from time to time be changed, or abolished, if after investigation the Secretary of War shall deem such change or abolition in the interest of navigation: *Provided further*, That vessels not more than sixty-five feet in length, when at anchor, in any such special anchorage area shall not be required to carry or exhibit the white light required by this article.

"A vessel of one hundred and fifty feet or upward in register length, when at anchor, shall carry in the forward part of the vessel, two white lights at the same height of not less than twenty and not exceeding forty feet above the hull and not less than ten feet apart horizontally and athwartships, except that each need not be visible all around the horizon but so arranged that one or the other, or both, shall show a clear, uniform, and unbroken light and be visible from any angle of approach at a distance of at least one mile; and at or near the stern of the vessel two similar lights, similarly arranged and at such a height that they shall not be less than fifteen feet lower than the forward lights. In addition the four anchor lights above specified, at least one white deck light shall be displayed in every interval of one hundred feet along the deck measuring from the forward lights, said deck lights to be not less than two feet above the

deck and arranged, so far as intervening structures will permit, so as to be visible from any angle of approach."

SEC. 3. Rule 10 of section 4233 of the Revised Statutes, as amended (U. S. C., 1934 edition, title 33, sec. 319), be and is hereby, amended to read as follows:

"RULE 10. All vessels, whether steam vessels or sail vessels, when at anchor in roadsteads or fairways, shall, between sunset and sunrise, exhibit where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a globular lantern of eight inches in diameter, and so constructed as to show a clear, uniform, and unbroken light, visible all around the horizon, and at a distance of at least one mile: *Provided*, That the Secretary of War may, after investigation, rule, regulation, or order, designate such areas as he may deem proper as 'special anchorage areas'; such special anchorage areas may from time to time be changed, or abolished, if after investigation the Secretary of War shall deem such change or abolition in the interest of navigation: *Provided further*, That vessels not more than sixty-five feet in length when at anchor in any such special anchorage area shall not be required to carry or exhibit the white light required by this article."

Approved, April 22, 1940.

28 Stat. 672.

Rivers emptying into Gulf of Mexico. Anchor lights on vessels in roadsteads or fairways.

Provides.
"Special anchorage areas."

Exempted vessels.

[CHAPTER 129]

AN ACT

Authorizing the reconstruction or replacement of certain bridges necessitated by the Rio Grande canalization project and authorizing appropriation for that purpose.

April 22, 1940
[H. R. 7809]

[Public, No. 472]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State, acting through the American Section, International Boundary Commission, United States and Mexico, is authorized to reconstruct or replace certain bridges over the Rio Grande within the Rio Grande canalization project known as the Courchesne, Country Club, Borderland, and Vinton Bridges in El Paso County, Texas, and the Berino, Vado, Mesquite, Shalem, and Hatch-Rincon Bridges in Dona Ana County, New Mexico, and such other bridges within said project as the Secretary of State may determine to include.

Rio Grande canalization project. Reconstruction or replacement of certain bridges authorized.

SEC. 2. That notwithstanding the limitation imposed on the total cost of construction of the Rio Grande canalization project by section 2 of the Act entitled "An Act authorizing construction, operation, and maintenance of Rio Grande canalization project and authorizing appropriation for that purpose", approved June 4, 1936, there is authorized to be appropriated the sum of \$350,000, which shall be in addition to appropriations heretofore authorized for such project, for the purposes of carrying out the provisions of section 1 hereof, other than for operation and maintenance, including salaries and wages, fees for professional services; rents, travel expenses; per diem in lieu of actual subsistence; printing and binding, lawbooks and books of reference; purchase, exchange, maintenance, repair, and operation of motor-propelled passenger- and freight-carrying vehicles; hire with or without personal services, of work animals and animal-drawn and motor-propelled vehicles and equipment; acquisition by donation, condemnation, or purchase of real and personal property; transportation (including drayage) of personal effects of employees upon change of station; telephone, telegraphic, and air-mail communications; rubber boots for official use by employees; ice; equipment, services, supplies, and materials and other such miscellaneous expenses as the Secretary of State may deem necessary prop-

Additional appropriation authorized.

49 Stat. 1463.
Post, p. 550.

Expenses included.

Provisos.
Minor purchases.

Purchase, etc., of
real property.
Conditional expend-
iture.

Property title.

Approach roads.

Operation, etc., of
bridges.

Release from liabil-
ity for damage, etc.

Dona Ana County,
N. Mex., bridges.

erly to carry out the provisions of the Act: *Provided*, That the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) shall not apply to any purchase made or service procured when the aggregate amount involved is \$100 or less: *Provided further*, That not more than \$3,500 shall be expended for the purchase of real property, and expenses incidental thereto: *Provided further*, That no part of the appropriation herein authorized shall be expended for the construction of any of the county bridges to be located within any county until the governing body of such county has given assurance, satisfactory to the Secretary of State—

(a) That it will cause to be furnished, without cost to the United States, evidence satisfactory to the American Commissioner, International Boundary Commission, United States and Mexico, that title to all lands or easements in lands which may be designated by the said American Commissioner as necessary for the construction, operation, and maintenance of the bridges and approaches, the title to which is not vested in the United States, is vested in the county;

(b) That it will perform without cost to the United States all work involved in any required changes, including changes in pavements or other road surfaces, in the approaches or approach roads to the bridges to be located within such county;

(c) That it will, upon notification by the said American Commissioner that any bridge has been completed, take over and operate and maintain such bridge; and

(d) That it will hold the United States harmless on account of any damage or claim of damage arising out of or in any way connected with the construction, operation or maintenance, or failure to operate and maintain any bridge or bridges or any part thereof located within such county;

And provided further, That no part of the appropriation herein authorized shall be expended for the construction of any of the bridges to be located in Dona Ana County, New Mexico, until the governing body of said county has given assurance satisfactory to the Secretary of State that it will remove or rebuild, in accordance with plans and specifications to be approved by the American Commissioner, the bridges known as Old Anthony Bridge and Salem Bridge.

Approved, April 22, 1940.

[CHAPTER 130]

AN ACT

Providing for the incorporation of the United Spanish War Veterans.

April 22, 1940
[H. R. 8238]
[Public, No. 473]

United Spanish War
Veterans, incorpora-
tion.
Membership.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the organization known as United Spanish War Veterans, with a membership limited to officers, soldiers, and sailors of the Army, Navy, or Marine Corps of the United States of America, including acting assistant surgeons, contract doctors, dentists, veterinary surgeons, officers, and enlisted men in the United States Revenue Cutter Service on vessels temporarily under the control of the War or Navy Department, commissioned medical officers of the United States Marine Hospital Service, officers and enlisted men in the Philippine Scouts and other organizations of native troops maintained by the War Department in the Philippine Islands, paymaster clerks actually on duty in the field or aboard ship who served at any time during the War between the United States of America and the Kingdom of Spain, or at any time during the War for the Suppression of the Insurrection in the Philippine Islands, including the China Relief Expedition, prior to July 4,

1902, and who either have been honorably discharged from the service or still continue in the same, and women who served honorably under contract or by appointment as Army nurses, chief nurses, or superintendents of the Army Nurse Corps at any time between April 21, 1898, and July 4, 1902, is hereby created a body corporate and politic of the District of Columbia, by the name of "United Spanish War Veterans", by which name it shall be a person in law, capable of suing and being sued, and of having and exercising all incidental powers as a litigant or otherwise as if it were a natural person, with power to acquire by purchase, gift, devise, or bequest, and to hold, convey, or otherwise dispose of property, real or personal, as may be necessary to carry into effect the patriotic, fraternal, and charitable purposes of its organization, and to use in carrying out the purposes of the corporation such emblems and badges as it may have heretofore or may hereafter adopt, and generally to do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation.

Corporate powers.

SEC. 2. The object and purpose of this corporation shall be to perpetuate the name of United Spanish War Veterans and to preserve in corporate form said organization as now and heretofore maintained and conducted, and to thus provide and continue an agency and instrumentality through and by which its members, for and during the remainder of their natural lives, unite in the fraternal bonds of comradeship; perpetuate the memories of the War with Spain and the campaigns incident thereto; promote peace and good will at home and among all nations; encourage an adequate national defense and protect and preserve our institutions of government. The corporation shall not at any time engage in any business for pecuniary profit and gain.

Object and purpose.

SEC. 3. The principal office of this corporation shall be kept and maintained in the city of Washington, District of Columbia, but annual or other meetings of its governing body and members may be held in any State of the Union, and the corporation shall have the power to possess and hold property needful or desirable for its objects and purposes anywhere in the United States or any of its Territories or dependencies consistently with the provisions of local laws pertaining thereto.

Principal office.

SEC. 4. The supreme governing and controlling authority in said organization shall be the national encampment thereof, composed of representatives from the several department encampments as are now or may hereafter be organized: *Provided*, That there shall never be any change in the plan of organization of said national encampment that shall materially change its present representative form of government or render possible the concentration of the control thereof in the hands of a limited number or in a self-perpetuating body not representative of the membership at large.

Power of corporation to possess and hold property.

National encampment, authority.

Proviso.
Restriction on change of plan, etc.

SEC. 5. The qualifications for membership in said organization, except as they are limited by the provisions in section 1 of this Act, and the rights and privileges of the members thereof shall be such as are fixed by the constitution and rules and regulations heretofore or hereafter adopted by said national encampment.

Qualifications, rights, and privileges.

SEC. 6. The activities of said corporation shall be exercised through and by the following agencies in accordance with the constitution and rules and regulations now in force or such as may be hereafter enacted by the national encampment thereof, namely:

Activities exercised by designated agencies.

First. Through the national encampment, its officers, and committees.

National encampment.

Second. Through such department encampments as may have been heretofore or as may be hereafter organized, their officers, and committees.

Department encampments.

Camps.

Auxiliary organiza-
tions.Authority of agen-
cies.Exclusive rights to
name.Termination on
death of last member.Provisos.
Continuance if an-
nual encampments no
longer held.

Property rights, etc.

Disposition and fu-
ture ownership of
property.

Third. Through such camps as may have been heretofore or may be hereafter organized, their officers, and committees.

Fourth. Through such auxiliary organizations by whatever name or designation as have been heretofore or may hereafter be authorized by the national encampment.

Such department encampments and auxiliary organizations shall be subject and subordinate in authority to the national encampment, and such camps shall be also subject to such control exercised through the department encampment and department officers of the particular department to which it belongs.

SEC. 7. Said corporation and its State and local subdivisions shall have the sole and exclusive rights to have and to use in carrying out its purposes the name "United Spanish War Veterans."

SEC. 8. The corporate existence of United Spanish War Veterans and the exclusive rights of its surviving members to wear the insignia of membership therein shall terminate only when the last of its members dies: *Provided, however*, That if, at any national encampment hereafter held, a memorial shall be adopted by the vote of three-fourths of the members present reciting that because of the decrease in its membership, or because of the age and infirmity of its surviving members, it no longer is advisable and practicable to hold future annual national encampments, such action shall not operate to deprive said organization of any of its corporate powers; but the government thereof may be modified to provide for such contingency subject to the restrictions contained in section 3 of this Act: *Provided further*, That nothing in this Act shall in any manner affect the right or the power of such camps or departments to dispose of or otherwise affect the ownership of property held by any camp or department in its own name, nor affect the right of such camps or departments to organize corporations under State laws for the purpose of caring for and disposing of such property.

SEC. 9. The national encampment may, by resolution, provide for the disposition and future ownership of its property and archives, and may declare the event in which such disposition shall become effective and such ownership vested, and a duly authenticated copy of such resolutions shall be filed in the office of the Supreme Court of the District of Columbia. Upon the happening of the event thus declared, and upon the filing of a petition in said Supreme Court reciting said facts, said court shall take jurisdiction thereof and, upon due proof being made, the court shall enter a decree which shall be effectual to vest title and ownership in accordance with the provisions of such resolution.

Approved, April 22, 1940.

[CHAPTER 131]

AN ACT

To regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes.

April 22, 1940
[H. R. 8262]
[Public, No. 474]

Disposal of certain
refuse, D. C.
Acts repealed.

30 Stat. 231; 32
Stat. 74.
20 D. C. Code, ch. 5,
pt. VII.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Acts of Congress entitled "An Act to regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes", approved January 25, 1898, and "An Act to amend an Act entitled 'An Act to regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes', approved January 25, 1898", approved March 20, 1902, are hereby repealed.

SEC. 2. That it shall be unlawful for any person or persons to maintain, upon any original lot or any subdivisional lot, situated on any street in the District of Columbia, where there is a public sewer and water main available for the use of such lot, any system of disposal of human excreta except by means of water closets connected with such sewer and water main.

Water closets, requirements.

SEC. 3. That no person shall, in the District of Columbia, erect or maintain a privy, or other means or system for the disposal of human excreta, except by means of water closets connected with a sewer and water main, without having secured from the health officer a permit so to do.

Privy not to be erected, etc., without permit.

SEC. 4. That the Commissioners of the District of Columbia are hereby authorized and empowered to make and enforce any such regulations as they deem necessary to regulate the design, construction, and maintenance of any system of disposal of human excreta, and the handling, storage, treatment, and disposal of human body wastes.

Regulations authorized.

SEC. 5. That any person who shall violate or aid or abet in violating any of the provisions of this Act or of the regulations promulgated by the Commissioners of the District of Columbia under this Act shall be punished by a fine of not more than \$50 or by imprisonment for not exceeding fifteen days.

Penalty.

Approved, April 22, 1940.

[CHAPTER 132]

AN ACT

To authorize the Secretary of the Interior to permit the payment of the costs of repairs, resurfacing, improvement, and enlargement of the Arrowrock Dam in twenty annual installments, and for other purposes.

April 22, 1940
[H. R. 8498]

[Public, No. 475]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of avoiding an unduly high operation and maintenance assessment in any one year and to keep the operation and maintenance charges in connection with the Arrowrock Division of the Boise reclamation project within the ability of the water users to pay, the Secretary of the Interior is authorized to allow the irrigation districts of the said Arrowrock Division and the irrigation districts, ditch companies, and water users who have assumed obligations to pay proportionate parts of the estimated cost of the operation and maintenance of the Arrowrock Reservoir, to pay the costs, as determined conclusively by said Secretary, incurred in the repair, resurfacing, and improvement of the Arrowrock Dam and in increasing the height thereof (to provide additional capacity to offset past and, to some extent, future losses of capacity resulting from the deposit of silt in the said reservoir) in twenty annual installments instead of requiring the payment of all of such operation and maintenance costs in one year as provided in section 5 of the Act of Congress of August 13, 1914 (38 Stat. 686): *Provided*, That such costs, for the purpose of any amendatory contracts affecting the construction charges of Arrowrock Dam that may be entered into as authorized by the Act of August 4, 1939 (53 Stat. 1187), may, in the discretion of the Secretary, be treated as part of the construction charges of said dam, and as payable in the same manner as such charges.

Arrowrock Dam, etc.
Repayment of improvements in twenty annual installments.

43 U. S. C. § 492.
Proviso.
Treatment, etc., of construction costs.

43 U. S. C., Supp.
V, §§ 485-485k.

Approved, April 22, 1940.

[CHAPTER 133]

AN ACT

To authorize an increase in the White House police force.

April 22, 1940

[H. R. 8540]

[Public, No. 476]

White House police
force, increase.*Ante*, p. 68; *post*,
p. 654.3 U. S. C., Supp. V,
§ 62.

Composition.

Appointment of
members.

Vacancies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 2 of the Act entitled "An Act to create the White House police force, and for other purposes", approved September 14, 1922 (42 Stat. 841, as amended; U. S. C., Supp. IV, title 3, sec. 62), is hereby amended to read as follows:

"SEC. 2. (a) The White House police force shall consist of one captain with grade corresponding to that of captain (Metropolitan Police), two lieutenants with grade corresponding to that of lieutenant (Metropolitan Police), four sergeants with grade corresponding to that of sergeant (Metropolitan Police); and of such number of privates, with grade corresponding to that of private of the highest grade (Metropolitan Police), as may be necessary, but not exceeding seventy-three in number. Members of the White House police shall be appointed from the members of the Metropolitan Police force and the United States Park Police force from lists furnished by the officers in charge of such forces. Vacancies shall be filled in the same manner."

Approved, April 22, 1940.

[CHAPTER 134]

AN ACT

To change the name of a portion of Twenty-fourth Street Northwest to Williamsburg Lane.

April 22, 1940

[H. R. 8639]

[Public, No. 477]

District of Colum-
bia.Portion of 24th St.
NW., renamed
Williamsburg Lane.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the name of that portion of the street in the District of Columbia now known as Twenty-fourth Street Northwest, which begins at Porter Street and extends one block in a northerly direction to Rock Creek Park, is hereby changed to Williamsburg Lane.

Approved, April 22, 1940.

[CHAPTER 135]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Missouri.

April 22, 1940

[H. R. 8669]

[Public, No. 478]

Missouri River.
Time extended for
bridging, at Ran-
dolph, Mo.45 Stat. 729, 1431;
46 Stat. 328, 1063; 47
Stat. 149, 772; 48 Stat.
572; 49 Stat. 1196; 52
Stat. 585.

Amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Missouri, authorized to be built by The Kansas City Southern Railway Company, its successors and assigns, by an Act of Congress approved May 24, 1928, heretofore extended by Acts of Congress approved March 1, 1929, May 14, 1930, February 6, 1931, May 6, 1932, January 19, 1933, April 9, 1934, April 10, 1936, and May 31, 1938, are hereby further extended two and four years, respectively, from May 24, 1940.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 22, 1940.

[CHAPTER 136]

AN ACT

To authorize and direct the Commissioners of the District of Columbia to accept and maintain a memorial fountain to the members of the Metropolitan Police Department.

April 22, 1940
[H. R. 8792]
[Public, No. 479]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are authorized and directed to accept and maintain for the District of Columbia the gift of a memorial fountain to the members of the Metropolitan Police Department: *Provided*, That the design and model of the memorial fountain are approved by the Commission of Fine Arts, and thereafter erected at a location to be approved by the Commissioners of the District of Columbia and the National Capital Park and Planning Commission on land now owned by the District of Columbia, for the municipal center.

Metropolitan Police Department, D. C.
Acceptance, etc., of memorial fountain to members of, authorized.

Proviso.
Design, location, etc.

Approved, April 22, 1940.

[CHAPTER 137]

AN ACT

To authorize the construction of a waiting room and comfort station in Commodore Barney Circle, United States Reservation 55-56, and for other purposes.

April 22, 1940
[H. R. 8917]
[Public, No. 480]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, for the convenience of the public, to permit the Capital Transit Company of Washington, District of Columbia, to construct, maintain, and operate, at its own expense, a waiting room and comfort station in Commodore Barney Circle, United States Reservation 55-56: *Provided*, That the plans and specifications for this structure shall first be approved by the Secretary of the Interior, the National Capital Park and Planning Commission, and the Commission of Fine Arts: *Provided further*, That the Capital Transit Company is hereby authorized to operate within such structure, either directly or by contract, such concession as in the determination of the Secretary of the Interior or his duly authorized representative may be desirable for the convenience of the public, and apply the revenues derived therefrom toward the cost of maintenance and operation of the structure. In the event the Capital Transit Company shall at any time discontinue the operation of the waiting room and comfort station as herein provided, the same shall become the property of the United States.

Commodore Barney Circle, D. C.
Waiting room, etc., authorized.

Provisos.
Plans and specifications, approval.

Operation of concession.

Reversionary provision.

Approved, April 22, 1940.

[CHAPTER 138]

JOINT RESOLUTION

To protect the copyrights and patents of foreign exhibitors at the Golden Gate International Exposition, to be held at San Francisco, California, in 1940.

April 22, 1940
[H. J. Res. 433]
[Pub. Res., No. 62]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Librarian of Congress and the Commissioner of Patents are hereby authorized and directed to establish branch offices under the direction of the Register of Copyrights and the Commissioner of Patents, respectively, in suitable quarters on the grounds of the Golden Gate International Exposition, to be held at San Francisco, California, in 1940, under the direction of the San Francisco Bay Exposition, a California corporation, said quarters to be furnished free of charge by said corporation,

Golden Gate International Exposition.
Protection of copyrights and patents of foreign exhibitors.
Branch copyright, etc., offices at Exposition.

Certificates of proprietorship to be issued.	<p>said offices to be established at such time as may, upon sixty days' advance notice, in writing, to the Register of Copyrights and the Commissioner of Patents, respectively, be requested by said San Francisco Bay Exposition, but not earlier than April 1, 1940, and to be maintained until the close to the general public of said exposition; and the proprietor of any foreign copyright, or any certificate of trade-mark registration, or letters patent of invention, design, or utility model issued by any foreign government protecting any trade-mark, apparatus, device, machine, process, method, composition of matter, design, or manufactured article imported for exhibition and exhibited at said exposition may, upon presentation of proof of such proprietorship satisfactory to the Register of Copyrights or the Commissioner of Patents, as the case may be, obtain without charge and without prior examination as to novelty, a certificate from such branch office, which shall be prima facie evidence in the Federal courts of such proprietorship, the novelty of the subject matter covered by any such certificate to be determined by a Federal court in case an action or suit is brought based thereon; and said branch offices shall keep registers of all such certificates issued by them, which shall be open to public inspection.</p>
Registers to be kept.	
Deposit at close of exposition.	<p>At the close of said Golden Gate International Exposition the register of certificates of the copyright registrations aforesaid shall be deposited in the Copyright Office in the Library of Congress at Washington, District of Columbia, and the register of all other certificates of registrations aforesaid shall be deposited in the United States Patent Office at Washington, District of Columbia, and there preserved for future reference. Certified copies of any such certificates shall, upon request, be furnished by the Register of Copyrights or the Commissioner of Patents, as the case may be, either during or after said exposition, and at the rates charged by such officials for certified copies of other matter; and any such certified copies shall be admissible in evidence in lieu of the original certificates of any Federal court.</p>
Certified copies of certificates.	<p>SEC. 2. It shall be unlawful for any person without authority of the proprietor thereof to copy, republish, imitate, reproduce, or practice at any time during the period specified in section 6 hereof, any subject matter protected by registration as aforesaid at either of the branch offices at said exposition which shall be imported for exhibition at said exposition, and there exhibited and which is substantially different in a copyright, trade-mark, or patent sense, as the case may be, from anything publicly used, described in a printed publication or otherwise known in the United States of America prior to such registration at either of said branch offices as aforesaid; and any person who shall infringe upon the rights thus protected under this Act shall be liable—</p>
Infringement on rights; liability.	<p>(a) To an injunction restraining such infringement issued by any Federal court having jurisdiction of the defendant;</p>
Injunction.	<p>(b) To pay to the proprietor such damages as the proprietor may have suffered due to such infringement, as well as all the profits which the infringer may have made by reason of such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits such damages as to the court shall appear to be just;</p>
Pecuniary damages.	<p>(c) To deliver up on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles found by the court after a preliminary hearing to infringe the rights herein protected; and</p>
Delivery of articles that infringe. For impoundment.	<p>(d) To deliver up on oath, for destruction, all articles found by the court at final hearing to infringe the rights herein protected.</p>
For destruction.	

SEC. 3. Any person who willfully and for profit shall infringe any right protected under this Act, or who shall knowingly and willfully aid or abet such infringement, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not exceeding one year or by a fine of not less than \$100 nor more than \$1,000, or both, in the discretion of the court.

Infringement, penalty.

SEC. 4. All the Acts, regulations, and provisions which apply to protecting copyrights, trade-marks, designs, and patents for inventions or discoveries not inconsistent with the provisions of this Act shall apply to certificates issued pursuant to this Act, but no notice of copyright on the work shall be required for protection hereunder.

Terms of protection.

SEC. 5. Nothing contained in this Act shall bar or prevent the proprietor of the subject matter covered by any certificate issued pursuant to this Act from obtaining protection for such subject matter under the provisions of the copyright, trade-mark, or patent laws of the United States of America, as the case may be, in force prior hereto, and upon making application and complying with the provisions prescribed by such laws; and nothing contained in this Act shall prevent, lessen, impeach, or avoid any remedy at law or in equity under any certificate of copyright registration, certificate of trade-mark registration, or letters patent for inventions or discoveries or designs issued under the copyright, trade-mark, or patent laws of the United States of America, as the case may be, in force prior hereto, and which any owner thereof and of a certificate issued thereon pursuant to this Act might have had if this Act had not been passed, but such owner shall not twice recover the damages he has sustained or the profit made by reason of any infringement thereof.

Copyright actions, etc.

SEC. 6. The rights protected under the provisions of this Act as to any copyright, trade-mark, apparatus, device, machine, process, method, composition of matter, design, or manufactured article imported for exhibition at said Golden Gate International Exposition shall begin on the date the same is placed on exhibition at said exposition and shall continue for a period of six months from the date of the closing to the general public of said exposition.

Duration of protection.

SEC. 7. All necessary expenses incurred by the United States in carrying out the provisions of this Act shall be reimbursed to the Government of the United States by the San Francisco Bay Exposition, under regulations to be prescribed by the Librarian of Congress and the Commissioner of Patents, respectively; and receipts from such reimbursements shall be deposited as refunds to the appropriations from which such expenses were paid.

Reimbursement of incurred expenses.

SEC. 8. Section 6 of Public Resolution Numbered 35 of the Seventy-fifth Congress, approved May 28, 1937, is hereby amended by adding thereto at the end thereof immediately before the period the words "in 1940".

Duration of protection extended.
50 Stat. 213.

Approved, April 22, 1940.

[CHAPTER 139]

JOINT RESOLUTION

Authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1941, and for other purposes.

April 22, 1940
[H. J. Res. 465]
[Pub. Res., No. 63]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of the Federal Works Agency, and such other officers of the District of Columbia and the United States as control any public lands in the District of Columbia, are hereby authorized to grant permits, under such restrictions as they may deem necessary, to the Committee on

Inaugural ceremonies, 1941.
Use of public spaces.

Inaugural Ceremonies to be appointed with the approval of the President-elect for the use of any reservations or other public spaces in the District of Columbia under their control on the occasion of the inauguration of the President-elect in January 1941: *Provided*, That in their opinion no serious or permanent injuries will be thereby inflicted upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate for such and other purposes, on the occasion aforesaid, such streets, avenues, and sidewalks in said District of Columbia under their control as they may deem proper and necessary: *Provided, however*, That all stands or platforms that may be erected on the public space, as aforesaid, including such as may be erected in connection with the display of fireworks, shall be under the said supervision of the said inaugural committee, and no stand shall be built on the sidewalk, streets, parks, and public grounds of the District of Columbia, not including the area on the south side of Pennsylvania Avenue directly in front of the White House, except such as are approved by the inaugural committee, the building inspector of the District of Columbia, and the Administrator of the Federal Works Agency: *And provided further*, That the reservations or public spaces occupied by the stands or other structures shall, after the inauguration, be promptly restored to their condition before such occupation, and that the inaugural committee shall indemnify the appropriate agency of the Government for any damages of any kind whatsoever upon such reservations or spaces by reason of such use.

Provisos.
Condition.

Supervision of stands, etc.

Prompt removal of structures, etc.

Overhead conductors for illumination.

Provisos.
Supervision of work.

Time limitation.

Safety precaution.

No Federal or local expense or damage.

Loan of tents, flags, etc.

SEC. 2. The Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the inaugural committee for said inaugural ceremonies, to stretch suitable overhead conductors, with sufficient supports wherever necessary, for the purpose of connecting with the present supply of light for the purpose of effecting the said illumination: *Provided*, That, if it shall be necessary to erect wires for illuminating or other purposes over any park or reservation in the District of Columbia, the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation: *Provided further*, That the said conductors shall not be used for conveying electrical currents after January 24, 1941, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said District of Columbia on or before January 31, 1941: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, or such other officials as may have jurisdiction in the premises, who shall see that the provisions of this resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *And provided further*, That no expense or damage on account of or due to the stretching, operation, or removal of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia.

SEC. 3. The Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the Committee on Inaugural Ceremonies such hospital tents, smaller tents, camp appliances, ensigns, flags, signal numbers, and so forth, belonging to the Government of the United States (except battle flags), that are not now in use and may be suitable and proper for decoration, and which may, in their judgment, be spared without detriment to the public service, such flags to be used in connection with said ceremonies by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of

public buildings and other places on the line of march between the Capitol and the Executive Mansion, and the interior of the reception hall: *Provided*, That the loan of the said hospital tents, smaller tents, camp appliances, ensigns, flags, signal numbers, and so forth, to said committee shall not take place prior to the 11th of January, and they shall be returned by the 25th day of January 1941: *Provided further*, That the said committee shall indemnify the said Departments, or either of them, for any loss or damage to such flags not necessarily incident to such use. That the Secretary of War is hereby authorized to loan to the inaugural committee for the purpose of caring for the sick, injured, and infirm on the occasion of said inauguration such hospital tents and camp appliances, and other necessities, hospital furniture, and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the inauguration: *And provided further*, That the inaugural committee shall indemnify the War Department for any loss or damage to such hospital tents and appliances, as aforesaid, not necessarily incident to such use.

SEC. 4. The Commissioners of the District of Columbia and the Administrator of the Federal Works Agency be, and they are hereby, authorized to permit telegraph, telephone, and radio-broadcasting companies to extend overhead wires to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within ten days after the conclusion of the ceremonies.

Approved, April 22, 1940.

[CHAPTER 140]

JOINT RESOLUTION

To provide for the maintenance of public order and the protection of life and property in connection with the Presidential inaugural ceremonies of 1941.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That \$25,000, or so much thereof as may be necessary, payable in like manner as other appropriations for the expenses of the District of Columbia, is hereby authorized to be appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from January 15 to January 26, 1941, both inclusive, including the employment of personal services, payment of allowances, traveling expenses, hire of means of transportation, cost of removing and relocating street-car loading platforms; for the construction, rent, maintenance, and expenses incident to the operation of temporary public-comfort stations, first-aid stations, and information booths, during the period aforesaid, and other incidental expenses in the discretion of the Commissioners. Said Commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property, and to make special regulations respecting the standing, movements, and operating of vehicles of whatever character or kind during said period; and to grant, under such conditions as they may impose, special licenses to peddlers and vendors to sell goods, wares, and merchandise on the streets, avenues, and sidewalks in the District of Columbia, and to charge for such privilege such fees as they may deem proper.

SEC. 2. Such regulations and licenses shall be in force one week prior to said inauguration, during said inauguration, and one week

Prorisos.
Time limit.

Indemnity for damage, etc.

Loan of hospital tents, supplies, etc.

Indemnity for damage, etc.

Temporary overhead wires permitted.

April 22, 1940
[H. J. Res. 468]
[Pub. Res., No. 64]

Inaugural ceremonies, 1941.
Appropriation authorized for maintenance of order, etc.
Post, p. 636.

Regulations.

Licenses to peddlers, etc.

Duration of regulations, etc.

Penalties.

subsequent thereto, and shall be published in one or more of the daily newspapers published in the District of Columbia and in such other manner as the Commissioners may deem best to acquaint the public with the same; and no penalty prescribed for the violation of any of such regulations shall be enforced until five days after such publication. Any person violating any of such regulations shall be liable for each such offense to a fine of not to exceed \$100 in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than sixty days.

Approved, April 22, 1940.

[CHAPTER 152]

AN ACT

April 25, 1940
[S. 2505]

[Public, No. 481]

To amend an Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, approved June 18, 1929, so as to change the date of subsequent apportionments.

Fifteenth, etc., censuses.
Apportionment of Representatives in Congress.
46 Stat. 26.
2 U. S. C. § 2a.
Time for filing statement modified.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, approved June 18, 1929, is hereby amended in the first sentence of section 22 (a) by striking out the words "second regular session of the Seventy-first Congress" and substituting the following words: "first regular session of the Seventy-seventh Congress", and by striking out "fifteenth" and inserting "sixteenth".

46 Stat. 26.
2 U. S. C. § 2a (b).
Number of Representatives if no new apportionment law enacted.

SEC. 2. The first sentence of section 22 (b) of such Act is amended to read as follows: "If the Congress to which the statement required by subdivision (a) of this section is transmitted has not, within sixty calendar days after such statement is transmitted, enacted a law apportioning Representatives among the several States, then each State shall be entitled, in the next Congress and in each Congress thereafter until the taking effect of a reapportionment under this Act or subsequent statute, to the number of Representatives shown in the statement based upon the method used in the last preceding apportionment."

Approved, April 25, 1940.

[CHAPTER 153]

AN ACT

April 25, 1940
[S. 2599]

[Public, No. 482]

To amend the Naval Reserve Act of 1938 (Public, Numbered 732, 52 Stat. 1175).

Naval Reserve Act of 1938, amendment.
52 Stat. 1179.
34 U. S. C., Supp. V, § 854e.
Transfer from Fleet Reserve to retired list, Regular Navy; payment of allowances.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 206 of the Naval Reserve Act of June 25, 1938, is hereby amended by striking out the last two provisions and substituting therefor the following: "*Provided further*, That in the computation of service requisite for transfer of enlisted men of the Fleet Reserve to the retired list of the Regular Navy and for payment of allowances to which enlisted men on the retired list of the Regular Navy are entitled, service in the Army, Navy, Marine Corps, Coast Guard, Naval Reserve Force, Fleet Naval Reserve, Fleet Reserve, Marine Corps Reserve Force, and the Marine Corps Reserve, and on the retired list of the Regular Navy shall be included: *And provided further*, That such service as may heretofore have been authorized by law to be counted as double time shall be credited as double time in this computation."

Service included.

Double-time credit.

Approved, April 25, 1940.

[CHAPTER 154]

AN ACT

Authorizing the adoption for the Foreign Service of an accounting procedure in the matter of disbursement of funds appropriated for the Department of State.

April 25, 1940
[S. 3528]

[Public, No. 483]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of any other law the Secretary of State be, and he is hereby, authorized in his discretion to issue under the limitations and restrictions hereinafter established requisitions for advances of funds to disbursing officers of the Division of Disbursement, Treasury Department, under a "State account of advances" not to exceed the total amount of appropriations for the Department of State, the amounts so advanced to be used exclusively to pay upon proper vouchers obligations lawfully payable under the respective appropriations: *Provided*, That a separate "State account of advances" shall be established on the books of the Treasury Department relating to appropriations made to the Department of State for each fiscal year and that a "State account of advances" relating to the appropriations for one fiscal year shall not be used to pay vouchers pertaining to the appropriations of any other fiscal year. Expenditures from the amounts requisitioned under the "State account of advances" shall be charged to applicable appropriations on the books of the Treasury Department on the basis of transfer and counter warrants prepared in the State Department as of the close of each month and prior to audit, certification, or adjustment by the General Accounting Office. The General Accounting Office shall subsequently declare the sums finally due from the several appropriations upon audited vouchers according to law and shall certify the same to the Treasury Department which shall make the necessary adjustments between appropriations upon the basis of such audited settlements of the General Accounting Office: *Provided further*, That such adjustments shall be reflected on the books of the Government in the month and fiscal year during which the audited settlements are certified to the Treasury.

Approved, April 25, 1940.

Foreign Service accounting procedure.
Disbursements of appropriated funds under a "State account of advances" authorized.

Use of advances.

Provisos.
Separate account to be established.

Charging of expenditures.

Adjustments.

Entry provisions.

[CHAPTER 155]

AN ACT

To amend laws for preventing collisions of vessels, to regulate equipment of certain motorboats on the navigable waters of the United States, and for other purposes.

April 25, 1940
[H. R. 6039]

[Public, No. 484]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the word "motorboat" where used in this Act shall include every vessel propelled by machinery and not more than sixty-five feet in length except tugboats and towboats propelled by steam. The length shall be measured from end to end over the deck, excluding sheer: *Provided*, That the engine, boiler, or other operating machinery shall be subject to inspection by the local inspectors of steam vessels, and to their approval of the design thereof, on all said motorboats, which are more than forty feet in length, and which are propelled by machinery driven by steam.

Motorboats.
Ante, p. 150.
Vessels included.

Proviso.
Inspection.

Classification.

SEC. 2. Motorboats subject to the provisions of this Act shall be divided into four classes as follows:

Class A. Less than sixteen feet in length.

	Class 1. Sixteen feet or over and less than twenty-six feet in length.
	Class 2. Twenty-six feet or over and less than forty feet in length.
	Class 3. Forty feet or over and not more than sixty-five feet in length.
Lights required.	SEC. 3. Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when under way, and during such time no other lights which may be mistaken for those prescribed shall be exhibited:
Classes A and 1.	(a) Every motorboat of classes A and 1 shall carry the following lights:
	First. A bright white light aft to show all around the horizon.
	Second. A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.
Classes 2 and 3.	(b) Every motorboat of classes 2 and 3 shall carry the following lights:
Fore part of the vessel.	First. A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel; namely, from right ahead to two points abaft the beam on either side.
Aft.	Second. A bright white light aft to show all around the horizon and higher than the white light forward.
Sides.	Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The said side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.
When propelled by sail, etc.	(c) Motorboats of classes 2 and 3, when propelled by sail and machinery, or by sail alone, shall carry the colored side lights, suitably screened, but not the white lights prescribed by this section: <i>Provided, however,</i> That motorboats of all classes, when so propelled, shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision:
Provisos. Other lights to be carried.	<i>Provided further,</i> That motorboats of classes A and 1, when so propelled, shall not be required to carry the combined lantern prescribed by subsection (a) of this section.
Exemptions.	(d) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this Act, when applied to lights, shall mean visible on a dark night with clear atmosphere.
Visibility of lights.	
Sound signals.	SEC. 4. Every motorboat of class 1, 2, or 3, shall be provided with an efficient whistle or other sound-producing mechanical appliance.
	SEC. 5. Every motorboat of class 2 or 3 shall be provided with an efficient bell.
Life preservers.	SEC. 6. Every motorboat subject to any of the provisions of this Act and also all vessels propelled by machinery other than by steam more than sixty-five feet in length shall carry at least one life preserver, or life belt, or ring buoy, or other device of the sort prescribed by the regulations of the board of supervising inspectors with the approval of the Secretary of Commerce, for each person on board,

so placed as to be readily accessible: *Provided*, That every such motorboat and every such vessel propelled by machinery other than by steam more than sixty-five feet in length carrying passengers for hire shall carry so placed as to be readily accessible at least one life preserver of the sort prescribed by the regulations of the board of supervising inspectors with the approval of the Secretary of Commerce, for each person on board.

Proviso.
Boats carrying passengers for hire.

SEC. 7. No such motorboat, while carrying passengers for hire, shall be operated or navigated except in charge of a person duly licensed for such service by a local board of inspectors. Whenever any person applies to be licensed as operator of any motorboat carrying passengers for hire, the inspectors shall make diligent inquiry as to his character, and shall carefully examine the applicant orally as well as the proofs which he presents in support of his claim, and if they are satisfied that his capacity, experience, habits of life, and character are such as to warrant the belief that he can safely be entrusted with the duties and responsibilities of the station for which he makes application, they shall grant him a license authorizing him to discharge such duties on any such motorboat carrying passengers for hire for the term of five years. Such license shall be subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of section 4450 of the Revised Statutes, as amended (U. S. C., 1934 edition, Supp. III, title 46, sec. 239): *Provided*, That motorboats shall not be required to carry licensed officers except as required in this Act: *And provided further*, That licenses herein prescribed shall not be required of motorboats engaged in fishing contests previously arranged and announced.

Licensed-operator requirements.

Suspension, etc., of license.

50 Stat. 544.
46 U. S. C., Supp. V, § 239.
Provisos.
Other licensed officers.

Fishing contests.

SEC. 8. Every motorboat and also every vessel propelled by machinery other than by steam more than sixty-five feet in length shall be provided with such number, size, and type of fire extinguishers, capable of promptly and effectually extinguishing burning gasoline, as may be prescribed by the regulations of the board of supervising inspectors, with the approval of the Secretary of Commerce, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

Fire extinguishers.

SEC. 9. The provisions of sections 4, 5, and 8 of this Act shall not apply to motorboats propelled by outboard motors while competing in any race previously arranged and announced or, if such boats be designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

Racing boats propelled by outboard motors.

SEC. 10. Every motorboat and also every vessel propelled by machinery other than by steam more than sixty-five feet in length shall have the carburetor or carburetors of every engine therein (except outboard motors) using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the board of supervising inspectors with the approval of the Secretary of Commerce: *Provided*, That this section shall apply only to such motorboats or vessels, the construction of which or the replacement of the engine or engines of which is commenced subsequent to the passage of this Act.

Flame arrestor devices.

Proviso.
Application restricted.

SEC. 11. Every such motorboat and every such vessel, except open boats, using as fuel any liquid of a volatile nature, shall be provided with such means as may be prescribed by regulations of the board of supervising inspectors with the approval of the Secretary of Commerce for properly and efficiently ventilating the bilges of the

Bilge, etc., ventilation.

<i>Proviso.</i> Application re- stricted.	engine and fuel tank compartments so as to remove any explosive or inflammable gases: <i>Provided</i> , That this section shall apply only to such motorboats or vessels, the construction or decking over of which is commenced subsequent to the passage of this Act.
Pilot rules.	SEC. 12. Motorboats shall not be required to carry on board copies of the pilot rules.
Reckless operation of vessels.	SEC. 13. No person shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person.
Penalty.	SEC. 14. Any person who shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person shall be deemed guilty of a misdemeanor and on conviction thereof by any court of competent jurisdiction shall be punished by a fine not exceeding \$2,000, or by imprisonment for a term of not exceeding one year, or by both such fine and imprisonment, at the discretion of the court.
Enforcement.	SEC. 15. Any officer of the United States authorized to enforce the navigation laws of the United States, shall have power and authority to swear out process and to arrest and take into custody, with or without process, any person who may commit any act or offense prohibited by section 13, or who may violate any provision of said section: <i>Provided</i> , That no person shall be arrested without process for any offense not committed in the presence of some one of the aforesaid officials: <i>Provided further</i> , That whenever an arrest is made under the provisions of this Act, the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offense alleged against him, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States.
<i>Provisos.</i> Arrest.	
Examination of al- leged offense.	
Liability of owner or operator. Penalties.	SEC. 16. If any motorboat or vessel subject to any of the provisions of this Act is operated or navigated in violation of this Act or any regulation issued thereunder, the owner or operator, either one or both of them, shall, in addition to any other penalty prescribed by law than that contained in section 14 of this Act, be liable to a penalty of \$100: <i>Provided</i> , That in the case of motorboats or vessels subject to the provisions of this Act carrying passengers for hire, a penalty of \$200 shall be imposed on the owner or operator, either one or both of them, thereof for any violation of section 6, 7, or 8 of this Act or of any regulations pertaining thereto. For any penalty incurred under this section the motorboat or vessel shall be held liable and may be proceeded against by way of libel in the district court of any district in which said motorboat or vessel may be found.
<i>Proviso.</i> Motorboats carry- ing passengers for hire.	
Liability of vessel.	
Regulations.	SEC. 17. The board of supervising inspectors with the approval of the Secretary of Commerce shall establish all necessary regulations required to carry out in the most effective manner all of the provisions of this Act, and such regulations when approved by the Secretary of Commerce shall have the force of law. The Secretary of Commerce or any officer of the Department of Commerce authorized by the Secretary of Commerce may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture incurred under this Act or any regulation thereunder relating to motorboats or vessels, except the penalties provided for in section 14 hereunder. The Secretary of Commerce shall establish such regulations as may be necessary to secure the enforcement of the provisions of this Act by any officer of the United States authorized to enforce the navigation laws of the United States.
Remission of fine, etc.	
Officers, minimum number. 46 U. S. C. § 223.	SEC. 18. The proviso contained in the last paragraph of section 2 of the Act of May 11, 1918 (40 Stat. 549), shall apply also with like force and effect to motorboats as defined in this Act.

Motorboats as defined in this Act are hereby exempted from the provisions of Revised Statutes 4399, as amended (48 Stat. 125).

SEC. 19. This Act shall take effect upon its approval as to all of the sections hereof except sections 6, 7, and 8, which sections shall take effect one year from the date of said approval, and for a period of one year from the date of approval of this Act sections 5, 6, and 7 of the Motorboat Act of June 9, 1910 (Public, Numbered 201, Sixty-first Congress; 36 Stat. 462), shall continue in full force and effect, except that from and after the date of the approval of this Act the Secretary of Commerce shall have authority to remit or mitigate all fines or penalties heretofore or hereafter incurred or imposed under sections 5 and 6 of the Motorboat Act of June 9, 1910. Except as hereinabove expressly provided, the Motorboat Act of June 9, 1910, above referred to, is repealed upon the approval of this Act and as to sections 5, 6, and 7 of said Act hereinabove continued the said sections are hereby repealed effective one year from the date of approval of this Act. Nothing in this Act shall be deemed to alter or amend section 4417a of the Revised Statutes (U. S. C., 1934 edition, Supp. IV, title 46, sec. 391a), the Act of August 26, 1935 (U. S. C., 1934 edition, Supp. IV, ch. 7A, secs. 178 and 179), the Act of June 20, 1936 (U. S. C., 1934 edition, Supp. IV, title 46, sec. 367), or repeal Acts of Congress or treaties embodying or revising international rules for preventing collisions at sea.

SEC. 20. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 21. The provisions of section 210 of title II of the Anti-Smuggling Act, approved August 5, 1935 (49 Stat. 526; U. S. C., 1934 edition, Supp. IV, title 46, sec. 288), requiring a certificate of award of a number to be kept at all times on board of the vessel to which the number has been awarded shall not apply to any vessel not exceeding seventeen feet in length measured from end to end over the deck, excluding sheer, or to any vessel whose design of fittings are such that the carrying of the certificate of award of the number on such vessel would render such certificate imperfect, illegible, or would otherwise tend to destroy its usefulness as a means of ready identification.

Approved, April 25, 1940.

[CHAPTER 156]

AN ACT

To amend the provisions of law relating to the use of private vehicles for official travel in order to effect economy and better administration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of February 14, 1931 (46 Stat. 1103), as amended by section 9 of the Act of March 3, 1933 (47 Stat. 1516; U. S. C., title 5, sec. 73a), entitled "An Act to permit payments for the operation of motorcycles and automobiles used for necessary travel on official business, on a mileage basis in lieu of actual operating expenses", is further amended by striking out the words "his own" wherever they appear therein and inserting in lieu thereof the words "a privately owned".

Approved, April 25, 1940.

Exemption from certain inspection.
46 U. S. C. § 361.

Effective dates.

36 Stat. 463.
46 U. S. C. §§ 515-517.
Continuance of certain provisions.
Authority to remit fines, etc.

Repeal of Act of 1910; exceptions.

Designated Acts or treaties not affected.
49 Stat. 868.
46 U. S. C., Supp. V, §§ 178, 179.
49 Stat. 1544.

Appropriation authorized.

Undocumented vessels, certificates of award, etc.

April 25, 1940

[H. R. 6693]

[Public, No. 485]

Private vehicles for official travel.
Provisions relating to use of, amended.

[CHAPTER 157]

JOINT RESOLUTION

April 25, 1940
[S. J. Res. 218]
[Pub. Res., No. 65]

To provide for the quartering, in certain public buildings in the District of Columbia, of troops participating in the inaugural ceremonies.

Inaugural ceremonies, 1941.
Temporary quartering of troops in public buildings during, authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of the Federal Works Agency or head of any executive department or establishment is authorized to allocate such space in any public building under his care and supervision as he deems necessary for the purposes of quartering troops participating in the inaugural ceremonies to be held on January 20, 1941, but such use shall not continue after January 22, 1941. Authority granted by this joint resolution may be exercised notwithstanding the provisions of the Legislative, Executive, and Judicial Appropriation Act for the fiscal year ending June 30, 1903, approved April 28, 1902, prohibiting the use of public buildings in connection with inaugural ceremonies.

Approved, April 25, 1940.

32 Stat. 152.
40 U. S. C. §§ 19, 31.

[CHAPTER 158]

JOINT RESOLUTION

April 25, 1940
[H. J. Res. 289]
[Pub. Res., No. 66]

To amend section 5 of Public Law Numbered 360, Sixty-sixth Congress.

Osage Act, amendment.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Osage Act (S. 4039, Public, Numbered 360, Sixty-sixth Congress; 41 Stat. 1249) be amended to read as follows:

State tax upon oil and gas produced in Osage County, Okla.; exception.

To be in lieu of other State taxes.

Rate, on royalty interests.

Conditional provision.

"SEC. 5. That the State of Oklahoma is authorized from and after the passage of this Act to levy and collect a gross-production tax, not to exceed the existing rate, upon all oil and gas produced in Osage County, Oklahoma, except as herein otherwise provided, and all taxes so collected shall be paid and distributed, and shall be in lieu of all other State and county taxes levied upon the production of oil and gas as provided by the laws of Oklahoma. The gross-production tax on the royalty interests of the Osage Indians shall be at the rate levied by said State but in no event to exceed 5 per centum and said tax shall be paid by the Secretary of the Interior, through the proper officers of the Osage Agency, to the State of Oklahoma from the amount received by the Osage Indians from the production of oil and gas to be distributed in like manner as gross-production tax under the laws of said State and the Secretary shall pay the tax herein authorized upon the condition and not otherwise that an additional one-fifth of said sum or sums paid by the Secretary in pursuance of this Act shall be delivered over to Osage County, Oklahoma, at the same time or times as the other payment or payments herein provided for are made to said county, one-half thereof to be apportioned to a fund to be used by said county only for the construction and maintenance of roads and bridges therein, the other one-half thereof to be used for the maintenance of common schools of said county as provided by law."

Approved, April 25, 1940.

[CHAPTER 159]

AN ACT

April 26, 1940
[H. R. 3406]
[Public, No. 486]

For forest protection against the white-pine blister rust, and for other purposes.

White-pine blister rust.
Cooperative forest protection measures against, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to promote the stability of white-pine forest-using industries, employment, and communities through the continuous supply of white- and sugar-pine timber, the Secretary of Agriculture is authorized in cooperation

with such agencies as he may deem necessary to use such funds as have been, or may hereafter be, made available for the purpose of controlling white-pine blister rust, by preventing the spread to, and eliminating white-pine blister rust from, all forest lands, irrespective of the ownership thereof, when in the judgment of the Secretary of Agriculture the use of such funds on such lands is necessary in the control of the white-pine blister rust: *Provided*, That in the discretion of the Secretary of Agriculture no expenditures from funds provided under this authorization shall be made on private or State lands (except where such lands are intermingled with those which are federally owned and it is necessary in order to protect the property of the United States to work on those parts of the private or State-owned lands that immediately adjoin Federal lands) until a sum, or sums, at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities or by individuals or organizations concerned: *Provided further*, That no part of such appropriations shall be used to pay the cost or value of property injured or destroyed: *And provided further*, That any plan for the control and elimination of white-pine blister rust on lands owned by the United States or retained under restriction by the United States for Indian tribes and for individual Indians shall be subject to the approval of the Federal agency or Indian tribe having jurisdiction over such lands, and the Secretary of Agriculture may, in his discretion and out of any moneys made available under this Act, make allocations to said Federal agencies in such amounts as he may deem necessary for white-pine blister-rust control and elimination on lands so held or owned by the United States, the moneys so allocated to be expended by said agencies for the purposes specified.

Approved, April 26, 1940.

Provisos.
State or local contribution.

No pay for property injured, etc.

Work on Indian lands.

[CHAPTER 160]

AN ACT

To provide for rearrangement of the location of the several boards of local inspectors.

April 30, 1940
[S. 2661]

[Public, No. 487]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized, as the exigencies of the service may require, to rearrange from time to time, by consolidation or otherwise, the location of the several boards of local inspectors and to discontinue boards of local inspectors by abolishing the same or establishing others in their stead: *Provided*, That the whole number of boards of local inspectors shall at no time be made to exceed those established and authorized on the date of the enactment of this Act, except as the same may thereafter be provided by law: *Provided further*, That the Secretary of Commerce shall, at the beginning of each regular session, submit to Congress a statement of all acts, if any, done under the provisions of this Act and the reasons therefor.

Approved, April 30, 1940.

Marine inspection and navigation.
Rearrangement of location of boards of local inspectors.

Provisos.
Limitation.

Annual statement to Congress.

[CHAPTER 161]

AN ACT

Granting the consent of Congress to the General State Authority, Commonwealth of Pennsylvania, and/or the Pennsylvania Bridge and Tunnel Commission, either singly or jointly, to construct, maintain, and operate a toll bridge across the Susquehanna River at or near the city of Middletown, Pennsylvania.

April 30, 1940
[H. R. 7406]

[Public, No. 488]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the General State Authority, Commonwealth of Pennsylvania, and/or the Pennsylvania Bridge and

Susquehanna River.
Bridge authorized across, at Middletown, Pa.

34 Stat. 84.
33 U. S. C. §§ 491-
498.

Tolls.

Maintenance as free
bridge after amortiz-
ing costs.
Records; availabil-
ity.

Amendment.

Tunnel Commission, either singly or jointly, to construct, maintain, and operate a bridge and approaches thereto across the Susquehanna River, at a point suitable to the interests of navigation, at or near Middletown, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintenance, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 30, 1940.

[CHAPTER 162]

AN ACT

April 30, 1940
[H. R. 7407]
[Public, No. 489]

Granting the consent of Congress to the General State Authority, Commonwealth of Pennsylvania, and/or the Pennsylvania Bridge and Tunnel Commission, either singly or jointly, to construct, maintain, and operate a toll bridge across the Susquehanna River at or near the city of Millersburg, Pennsylvania.

Susquehanna River.
Bridge authorized
across, at Millersburg,
Pa.

34 Stat. 84.
33 U. S. C. §§ 491-
498.

Tolls.

Maintenance as free
bridge after amortiz-
ing costs.

Records; availabil-
ity.

Amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the General State Authority, Commonwealth of Pennsylvania, and/or the Pennsylvania Bridge and Tunnel Commission, either singly or jointly, to construct, maintain, and operate a bridge and approaches thereto across the Susquehanna River, at a point suitable to the interests of navigation, at or near Millersburg, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintenance, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 30, 1940.

[CHAPTER 163]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Delaware River between the village of Barryville, New York, and the village of Shohola, Pennsylvania.

April 30, 1940
[H. R. 7655]
[Public, No. 490]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of the highway bridge across the Delaware River between points in the village of Barryville, Sullivan County, New York, and the village of Shohola, Pike County, Pennsylvania, authorized to be built by the Interstate Bridge Commission of the State of New York and the Commonwealth of Pennsylvania, by an Act of Congress approved June 19, 1936, heretofore extended by an Act of Congress approved August 23, 1937, are hereby further extended one and three years, respectively, from June 19, 1939.

Delaware River.
Time extended for
bridging, Barryville,
N. Y., to Shohola, Pa.

49 Stat. 1531; 50 Stat.
746.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, April 30, 1940.

[CHAPTER 164]

AN ACT

To amend section 35B of the United States Criminal Code to prohibit purchase or receipt in pledge of clothing and other supplies issued to veterans maintained in Veterans' Administration facilities.

April 30, 1940
[H. R. 7660]
[Public, No. 491]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 35B of the Criminal Code of the United States, as amended by the Act of June 18, 1934 (ch. 587, 48 Stat. 996), and public law numbered 465, Seventy-fifth Congress, third session, April 4, 1938 (52 Stat. 197), as contained in United States Code, title 18, section 86, is hereby amended to read as follows: "Whoever shall purchase, or receive in pledge from any person any arms, equipment, ammunition, clothing, military stores, or other property furnished by the United States under a clothing allowance or otherwise, to any soldier, sailor, officer, cadet, or midshipman in the military or naval service of the United States or of the National Guard or Naval Militia, or to any person accompanying, serving, or retained with the land or naval forces and subject to military or naval law; or to any former member of such military or naval service at or by any hospital, home, or facility maintained by the United States; having knowledge or reason to believe that the property has been taken from the possession of the United States or furnished by the United States under such allowance, or otherwise, shall be fined not more than \$500 or imprisoned not more than two years, or both."

Criminal Code,
amendment.

18 U. S. C., Supp.
V, § 86.
Purchase of certain
U. S. supplies from
military, etc., person-
nel.

From former mem-
bers of military, etc.,
services.

Penalty.

Approved, April 30, 1940.

[CHAPTER 165]

AN ACT

Providing for sick leave for substitute postal employees.

April 30, 1940
[H. R. 7663]
[Public, No. 492]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 1 and 2 of Public Law Numbered 194, first session of the Seventy-sixth Congress, be amended to read as follows:

"That hereafter substitutes in the Postal Service shall be rated as employees and each substitute postal employee in the classified civil

Postal Service.
53 Stat. 1062.
39 U. S. C., Supp.
V, §§ 824a, 824b.

Annual and sick
leave to substitutes.

service shall be granted the same rights and benefits with respect to annual and sick leave that accrue to regular employees in proportion to the time actually employed.

Sick leave; disqualifications.

"SEC. 2. No substitute shall be entitled to sick leave for an illness or disability incurred at a time when such substitute is on leave of absence, granted at his own request, other than annual leave, or when such substitute is not available for duty."

Approved, April 30, 1940.

[CHAPTER 166]

AN ACT

April 30, 1940
[H. R. 8320]
[Public, No. 493]

To extend the times for commencing and completing the construction of a bridge across the Mississippi River near Jefferson Barracks, Missouri.

Mississippi River.
Time extended for
bridging, near Jeffer-
son Barracks, Mo.
53 Stat. 1237.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Mississippi River near Jefferson Barracks, Missouri, authorized to be built by the county of Saint Louis, State of Missouri, by an Act of Congress approved August 7, 1939, is hereby extended one and three years, respectively, from August 7, 1940.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 30, 1940.

[CHAPTER 167]

AN ACT

April 30, 1940
[H. R. 8397]
[Public, No. 494]

To extend the times for commencing and completing the construction of a bridge or bridges across the Saint Louis River at or near the city of Duluth, Minnesota, and the city of Superior, Wisconsin, and to amend the Act of August 7, 1939, and for other purposes.

Saint Louis River.
Time extended for
bridging, at Duluth,
Minn.

53 Stat. 1253.

Bonds, form and
maturity.
53 Stat. 1259.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for commencing and completing the construction of a bridge and approaches thereto across the Saint Louis River, at or near the city of Duluth, Minnesota, and the city of Superior, Wisconsin, authorized to be constructed by the city of Duluth by an Act of Congress approved August 7, 1939, is hereby extended one year from August 7, 1940, and three years from August 7, 1940, respectively.

SEC. 2. The second sentence of section 3 of said Act approved August 7, 1939, is hereby amended to read: "All such bonds shall be in a form not inconsistent with this Act and shall mature at such time or times as the city may determine, not exceeding twenty years from August 7, 1940."

Amendment.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 30, 1940.

[CHAPTER 168]

AN ACT

April 30, 1940
[H. R. 8398]
[Public, No. 495]

Amending Acts extending the franking privilege to widows of ex-Presidents of the United States.

Franking privilege
to widows of ex-Presi-
dents of U. S.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Acts of February 1, 1909 (ch. 55, 35 Stat. 591), October 27, 1919 (ch. 84, 41 Stat. 1449), March 4, 1924 (ch. 45, 43 Stat. 1359), June 14, 1930

(ch. 493, 46 Stat. 1906), and June 16, 1934 (ch. 560, 48 Stat. 1395), extending the franking privilege to Frances F. Cleveland (Preston), Mary Lord Harrison, Edith Carow Roosevelt, Edith Bolling Wilson, Helen H. Taft, and Grace G. Coolidge, respectively, are hereby amended by inserting in each of said Acts the words "or facsimile thereof" after the words "under her written autograph signature".

Approved, April 30, 1940.

[CHAPTER 169]

AN ACT

Authorizing The Superior Oil Company, a California corporation, to construct, maintain, and operate a free highway bridge or causeway, and approaches thereto, across the old channel of the Wabash River from Cut-Off Island, Posey County, Indiana, to White County, Illinois.

April 30, 1940
[H. R. 8467]
[Public, No. 496]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, The Superior Oil Company, a California corporation, is hereby authorized to construct, maintain, and operate a free highway bridge or causeway (including approaches thereto) across the old channel of the Wabash River in order to connect Cut-Off Island, Posey County, Indiana, with the highway system in White County, Illinois, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Wabash River.
Bridge authorized
across old channel of,
from Cut-Off Island,
Posey County, Ind.,
to White County, Ill.

34 Stat. 84.
33 U. S. C. §§ 491-
498.

Extension of author-
ity.

SEC. 2. The authority herein granted shall extend not only to The Superior Oil Company, a California corporation as aforesaid, but also to the owners of Cut-Off Island, Indiana, at the date of the enactment of this Act and any future owners of such island.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, April 30, 1940.

[CHAPTER 170]

AN ACT

Granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Susquehanna River, at or near Wyalusing, between Terry and Wyalusing Townships, in the county of Bradford, and in the Commonwealth of Pennsylvania.

April 30, 1940
[H. R. 8471]
[Public, No. 497]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge, and approaches thereto, across the Susquehanna River, at a point suitable to the interests of navigation, at or near Wyalusing, and between Terry and Wyalusing Townships, Bradford County, in the Commonwealth of Pennsylvania, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations of this Act.

Susquehanna River.
Bridge authorized
across, at Wyalusing,
Pa.

34 Stat. 84.
33 U. S. C. §§ 491-
498.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 30, 1940.

[CHAPTER 171]

AN ACT

April 30, 1940
[H. R. 8495]
[Public, No. 498]

To extend the times for commencing and completing the construction of a bridge or bridges across the Mississippi River at or near the cities of Dubuque, Iowa, and East Dubuque, Illinois, and to amend the Act of July 18, 1939, and for other purposes.

Mississippi River.
Time extended for
bridging, Dubuque,
Iowa, to East Du-
buque, Ill.

53 Stat. 1051.

Bond issue, matu-
rity, etc.

Amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge or bridges and approaches thereto across the Mississippi River at or near the cities of Dubuque, Iowa, and East Dubuque, Illinois, authorized to be constructed by the City of Dubuque Bridge Commission by an Act of Congress approved July 18, 1939, are hereby extended one and three years, respectively, from July 18, 1940.

SEC. 2. The second sentence of section 4 of said Act approved July 18, 1939, is hereby amended to read: "All such bonds may be registerable as to principal alone or both principal and interest, shall be in such form not inconsistent with this Act, shall mature at such time or times not exceeding twenty years from July 18, 1940, shall be in such denominations, shall be executed in such manner, and shall be payable in such medium and at such place or places as the commission may determine."

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 30, 1940.

[CHAPTER 172]

AN ACT

April 30, 1940
[H. R. 8503]
[Public, No. 499]

To amend the Subsistence Expense Act of 1926, as amended by the Act of June 30, 1932 (ch. 314, sec. 209, 47 Stat. 405).

Transportation of
automobiles at Gov-
ernment expense.
47 Stat. 405.

Proviso.
Department of
State, authorization
for.

Exception.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 209 of the Act of June 30, 1932 (5 U. S. C. 823a), limiting the transportation of automobiles at Government expense, be, and the same is hereby, amended by adding thereto the following: "*Provided further,* That funds available to the Department of State may be expended for the transportation of a personally owned automobile in any case where the Secretary of State shall determine that ocean transportation is necessary for any part of the distance between points of origin and destination, except that this authorization shall not be extended to any Ambassador or Minister when proceeding to a post of duty where a Government-owned automobile shall have been provided for his use."

Approved, April 30, 1940.

[CHAPTER 173]

AN ACT

April 30, 1940
[H. R. 8583]
[Public, No. 500]

To extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Little Falls, Minnesota.

Mississippi River.
Time extended for
bridging, at Little
Falls, Minn.

53 Stat. 1081.

Amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Mississippi River, at or near Little Falls, Minnesota, authorized to be built by the Minnesota Department of Highways or the State of Minnesota, by an Act of Congress approved July 25, 1939, are hereby extended one and three years, respectively, from July 25, 1940.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 30, 1940.

[CHAPTER 174]

AN ACT

Granting the consent of Congress to the State Highway Department of South Carolina to construct, maintain, and operate a free highway bridge across the Great Pee Dee River, at or near Cashua Ferry, South Carolina.

April 30, 1940
[H. R. 8650]
[Public, No. 501]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State Highway Department of South Carolina to construct, maintain, and operate a free highway bridge and approaches thereto across the Great Pee Dee River at a point suitable to the interest of navigation, at or near Cashua Ferry, between Darlington and Brownsville, South Carolina, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations in this Act.

Great Pee Dee
River.
Bridge authorized
across, at Cashua
Ferry, S. C.

34 Stat. 84.
33 U. S. C. §§ 491-
498.
Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 30, 1940.

[CHAPTER 175]

AN ACT

To amend the Act of August 23, 1912 (37 Stat. 414; U. S. C., title 31, sec. 679).

April 30, 1940
[H. R. 8772]
[Public, No. 502]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 23, 1912 (37 Stat. 414; U. S. C., title 31, sec. 679), be, and the same is hereby, amended by the addition of the following words: "Provided, That the cost of installation and use of telephones in residences leased or owned by the Government of the United States in foreign countries for the use of the Foreign Service may be allowed from Government funds, under such regulations as may be prescribed by the Secretary of State, except that the restrictions herein relating to long-distance tolls shall also apply to telephones installed in such official residences."

Foreign Service.

Telephones in offi-
cial residences abroad.

Long-distance tolls.

Approved, April 30, 1940.

[CHAPTER 176]

AN ACT

To provide for the transfer of United States prisoners in certain cases.

April 30, 1940
[H. R. 9047]
[Public, No. 503]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any person confined in any penal or correctional institution pursuant to a judgment of conviction of an offense against the United States has been indicted or convicted of a felony in a court of record of any State, other than the State in which such person is confined, the Attorney General shall, if he finds it in the public interest to do so, upon the request of the Governor or the executive authority of such State, and upon the presentation of a certified copy of such indictment or judgment of conviction, cause such person to be transferred prior to his release to a penal or correctional institution situated within such State that is authorized to receive United States prisoners. In the event more than one such request is presented in respect to any prisoner, the Attorney General shall determine in his discretion which request should receive preference. The expense of personnel and transportation incurred in carrying out the provisions of this Act shall be chargeable to the appropriation for the "support of United States prisoners".

United States
prisoners.
Transfer of, in cer-
tain instances.

Expense.

Terms construed.

SEC. 2. The term "indictment" as used in this Act shall include "information" and the term "indicted" shall include "informed against." The term "State" shall include the District of Columbia, but not Territories.

Authority of Attorney General.

SEC. 3. Nothing in this Act shall be deemed to limit the authority of the Attorney General to transfer any prisoners pursuant to any other provision of law.

Approved, April 30, 1940.

[CHAPTER 180]

AN ACT

May 1, 1940
[H. R. 8500]
[Public, No. 504]

Authorizing the Secretary of War to execute an easement deed to the State of New Mexico for the use and occupation of lands and water areas at Conchas Dam and Reservoir project, New Mexico.

New Mexico.
Easement over certain areas at Conchas Dam and Reservoir project authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and empowered, under such terms, regulations, and conditions as are deemed advisable by him, to grant to the State of New Mexico for public recreational purposes an easement for the use and occupation of such lands and water areas owned or controlled by the United States in connection with the Conchas Dam and Reservoir project on the South Canadian River, in New Mexico, as he may designate: *Provided*, That said easement shall be subordinate to the use of said lands and water areas by the War Department as may be necessary in the operation and maintenance of said dam and reservoir project.

Proviso.
Subordination of easement.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 1, 1940.

[CHAPTER 182]

AN ACT

May 2, 1940
[H. R. 289]
[Public, No. 505]

For the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899.

War with Spain.
Relief of certain Army volunteers held to service after April 11, 1899.
30 Stat. 1754.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain, who were held to service in the Philippine Islands for service in the Philippine Insurrection after April 11, 1899, and after the conclusion of peace with the Kingdom of Spain, shall be entitled to the travel pay and allowance for subsistence provided in sections 1289 and 1290, Revised Statutes, as then amended and in effect, as though discharged April 11, 1899, by reason of expiration of enlistment, and appointed or reenlisted April 12, 1899, without deduction of travel pay and subsistence paid such officers or soldiers on final muster out subsequent to April 11, 1899: *Provided*, That no benefits shall accrue under any provision of this Act to any person whose claim is based upon the service of any such officer or soldier discharged in the Philippine Islands at his own request.

Travel pay and subsistence allowance.

Proviso.
No benefits to persons discharged at own request.

Settlement of claims.

SEC. 2. Claims hereunder shall be settled in the General Accounting Office, and shall be payable to the officer or soldier, or if the person who rendered the service is dead, then to his widow, children in equal shares (but not to their issue), father, or mother as pro-

vided by existing Acts relating to the settlement of accounts of deceased officers and soldiers of the Army (34 Stat. 750), but if there is no widow, child, father, or mother at the date of settlement, then no payment on account of the claim shall be made.

SEC. 3. The Comptroller General is authorized and directed to certify to the Congress, pursuant to the provisions of section 2 of the Act of July 7, 1884 (U. S. C., title 5, sec. 266), all claims allowed hereunder.

SEC. 4. Application for the benefits of this Act shall be filed within three years after the date of its passage.

SEC. 5. Payment to any attorney or agent for such assistance as may be required in the preparation and execution of the necessary papers in any application under this Act shall not exceed the sum of \$10; any person collecting or attempting to collect a greater amount than is herein allowed shall be guilty of a misdemeanor and shall be punishable by a fine of not more than \$500 or by imprisonment for not more than two years, or by both such fine and imprisonment.

10 U. S. C. § 868.

Claims allowed to be certified to Congress.
23 Stat. 254.

Time for filing claims.

Limitation on attorney's, etc., fees.

Penalty.

SAM RAYBURN
Speaker pro Tempore of the House of Representatives.

JNO N GARNER
*Vice President of the United States and
President of the Senate.*

IN THE HOUSE OF REPRESENTATIVES, U. S.,
April 25, 1940.

The House of Representatives having proceeded to reconsider the bill (H. R. 289) entitled "An Act for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

SOUTH TRIMBLE
Clerk.

I certify that this Act originated in the House of Representatives.

Certificate of origin.

SOUTH TRIMBLE
Clerk.

IN THE SENATE OF THE UNITED STATES,
May 2 (legislative day, April 24), 1940.

The Senate having proceeded to reconsider the bill (H. R. 289) entitled "An Act for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899", returned by the President of the United States to the House of Representatives, in which it originated, with his objections, and passed by the House on a reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

EDWIN A. HALSEY
Secretary.

Certificate of the Senate.

[CHAPTER 183]

JOINT RESOLUTION

May 3, 1940
[H. J. Res. 437]
[Pub. Res., No. 67]

Authorizing the President of the United States of America to proclaim I Am An American Citizenship Day, for the recognition, observance, and commemoration of American citizenship.

Preamble.

Whereas some two million young men and women in the United States each year reach the age of twenty-one years; and
Whereas it is desirable that the sovereign citizens of our Nation be prepared for the responsibilities and impressed with the significance of their status in our self-governing Republic: Therefore be it

I Am An American Day.
Third Sunday in May each year to be so designated.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the third Sunday in May each year be, and hereby is, set aside as Citizenship Day and that the President of the United States is hereby authorized and requested to issue annually a proclamation setting aside that day as a public occasion for the recognition of all who, by coming of age or naturalization, have attained the status of citizenship, and the day shall be designated as "I Am An American Day".

Observance invited.

That the civil and educational authorities of States, counties, cities, and towns be, and they are hereby, urged to make plans for the proper observance of this day and for the full instruction of future citizens in their responsibilities and opportunities as citizens of the United States and of the States and localities in which they reside.

Not to supersede present practices of similar nature.

Nothing herein shall be construed as changing, or attempting to change, the time or mode of any of the many altogether commendable observances of similar nature now being held from time to time, or periodically, but, to the contrary, such practices are hereby praised and encouraged.

Cooperation of judiciary, etc.

SEC. 2. Either at the time of the rendition of the decree of naturalization or at such other time as the judge may fix, the judge or someone designated by him shall address the newly naturalized citizen upon the form and genius of our Government and the privileges and responsibilities of citizenship; it being the intent and purpose of this section to enlist the aid of the judiciary, in cooperation with civil and educational authorities, and patriotic organizations in a continuous effort to dignify and emphasize the significance of citizenship.

Approved, May 3, 1940.

[CHAPTER 184]

JOINT RESOLUTION

May 3, 1940
[S. J. Res. 199]
[Pub. Res., No. 68]

Amending Public Resolution Numbered 112 of the Seventy-fifth Congress and Public Resolution Numbered 48 of the Seventy-sixth Congress.

Joint congressional committee on phosphate resources of United States, continuance authorized.
52 Stat. 704; 53 Stat. 1346.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the life of the committee provided for by Public Resolution Numbered 112 of the Seventy-fifth Congress creating a Joint Congressional Committee to Investigate the Adequacy and Use of the Phosphate Resources of the United States, and Public Resolution Numbered 48 of the Seventy-sixth Congress, and the time for making its final report is extended to January 15, 1941.

Approved, May 3, 1940.

[CHAPTER 185]

JOINT RESOLUTION

To amend section 5 (b) of the Act of October 6, 1917, as amended, and for other purposes.

May 7, 1940
[S. J. Res. 252]
[Pub. Res., No. 69]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subdivision (b) of section 5 of the Act of October 6, 1917 (40 Stat. 411), as amended, is hereby amended to read as follows:

"During time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by or to banking institutions as defined by the President, and export, hoarding, melting, or earmarking of gold or silver coin or bullion or currency, and any transfer, withdrawal or exportation of, or dealing in, any evidences of indebtedness or evidences of ownership of property in which any foreign state or a national or political subdivision thereof, as defined by the President, has any interest, by any person within the United States or any place subject to the jurisdiction thereof; and the President may require any person to furnish under oath, complete information relative to any transaction referred to in this subdivision or to any property in which any such foreign state, national or political subdivision has any interest, including the production of any books of account, contracts, letters, or other papers, in connection therewith in the custody or control of such person, either before or after such transaction is completed."

SEC. 2. Executive Order Numbered 8389 of April 10, 1940, and the regulations and general rulings issued thereunder by the Secretary of the Treasury are hereby approved and confirmed.

SEC. 3. Nothing in this Joint Resolution shall be deemed to repeal or to modify in any manner any of the provisions of the Act of April 13, 1934, 48 Stat. 574 (the Johnson Act) or of the Neutrality Act of 1939 (Public Resolution Numbered 54, Seventy-sixth Congress).

Approved, May 7, 1940.

Trading with the enemy Act, amendment.
40 Stat. 415.
12 U. S. C. § 95a.
Regulation, etc., of foreign exchange, coin exports, property transfers, etc.

Testimony, books, etc.

Executive order, etc., confirmed.

Prior laws unaffected.
31 U. S. C. § 804a.
Ante, p. 4.
22 U. S. C., Supp. V, §§ 245j—245j-19.

[CHAPTER 186]

AN ACT

Authorizing the Secretary of the Navy to accept on behalf of the United States a bequest of certain personal property of the late Dudley F. Wolfe.

May 11, 1940
[S. 3098]
[Public, No. 506]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to accept on behalf of the United States the personal property bequeathed to the United States Naval Academy by the terms of the will of the late Dudley F. Wolfe.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to effectuate the purposes of this Act.

Approved, May 11, 1940.

Property bequeathed by Dudley F. Wolfe.
Acceptance.

Appropriation authorized.

[CHAPTER 187]

JOINT RESOLUTION

May 11, 1940
[H. J. Res. 431]
[Pub. Res., No. 70]

To extend to the 1940 New York World's Fair and the 1940 Golden Gate International Exposition the provisions according privileges under certain customs and other laws to the expositions of 1939.

New York World's
Fair, 1940.
Articles imported
for exhibition, etc.

50 Stat. 668.

Golden Gate Inter-
national Exposition.
Articles imported
for exhibition, etc.

50 Stat. 187.

Protection of rights,
duration.

Distilled spirits,
etc., for consumption
on premises, and tour-
ist literature for free
distribution.

53 Stat. 625, 1221.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the joint resolution entitled "Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the New York World's Fair, 1939, New York City, New York, to be admitted without payment of tariff, and for other purposes", approved August 16, 1937, as amended and supplemented, is extended and made applicable to the New York World's Fair, 1940, Incorporated.

(b) The joint resolution entitled "Joint resolution providing for the importation of articles free from tariff or customs duty for the purpose of exhibition at the Golden Gate International Exposition to be held at San Francisco, California, in 1939, and for other purposes", approved May 18, 1937, as amended and supplemented, is extended and made applicable to the Golden Gate International Exposition to be held at San Francisco, California, in 1940.

(c) The six-month periods provided for in the joint resolutions referred to in this section, with respect to articles heretofore or hereafter imported under such joint resolutions or under such joint resolutions as amended and extended, shall begin to run from the close of the respective expositions in 1940.

SEC. 2. The Act entitled "An Act relating to the importation of distilled spirits for consumption at the New York World's Fair, 1939, and the Golden Gate International Exposition of 1939, and to duties on certain articles to be exhibited at the New York World's Fair, 1939", approved April 29, 1939, as amended, is extended and made applicable to the New York World's Fair, 1940, Incorporated, and the Golden Gate International Exposition to be held at San Francisco, California, in 1940.

Approved, May 11, 1940.

[CHAPTER 188]

AN ACT

May 13, 1940
[H. R. 7806]
[Public, No. 507]

To authorize the striking of an appropriate medal in commemoration of the three-hundredth anniversary of the establishment of Greenwich, Connecticut, as a town.

Greenwich, Conn.,
300th anniversary of
establishment.
Commemorative
medals.

Delivery; payment.

Security for pay-
ment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in commemoration of the three-hundredth anniversary of the establishment of Greenwich, Connecticut, as a town, and the granting of a charter for such establishment, there shall be struck at a mint of the United States to be designated by the Director of the Mint fifty thousand commemorative medals of a special appropriate single design, size, weight, and composition to be fixed by the Director of the Mint with the approval of the Secretary of the Treasury.

SEC. 2. Such commemorative medals shall be delivered to the duly authorized officers of Greenwich Tercentenary Committee upon payment to the Director of the Mint of an amount to be fixed by the Director of the Mint not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses; and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such cost.

SEC. 3. Whoever shall falsely make, forge, or counterfeit or cause or procure to be falsely made, forged, or counterfeited or shall aid in falsely making, forging, or counterfeiting any medal issued under the provisions of this Act, or whoever shall sell or bring into the United States or any place subject to the jurisdiction thereof from any foreign place, or have in his possession any such false, forged, or counterfeited medal, shall be fined not more than \$1,000 or imprisoned not more than two years, or both.

Approved, May 13, 1940.

Counterfeiting, etc.,
of medal.

Penalty.

[CHAPTER 189]

AN ACT

Making appropriations for the Departments of State, Commerce, and Justice, and for The Judiciary, for the fiscal year ending June 30, 1941, and for other purposes.

May 14, 1940
[H. R. 8319]
[Public, No. 508]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of State, Commerce, and Justice, and for The Judiciary, for the fiscal year ending June 30, 1941, namely:

TITLE I—DEPARTMENT OF STATE

Department of State
Appropriation Act,
1941.

OFFICE OF THE SECRETARY OF STATE

Salaries: For Secretary of State; Under Secretary of State, \$10,000; counselor, \$10,000; and other personal services in the District of Columbia, including temporary employees, and not to exceed \$6,500 for employees engaged on piece work at rates to be fixed by the Secretary of State; \$2,458,500: *Provided*, That in expending appropriations or portions of appropriations, contained in this Act, for the payment of personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the four Assistant Secretaries of State and the Legal Adviser of the Department of State, the Assistant to the Attorney General, the Assistant Solicitor General, and six Assistant Attorneys General, the Assistant Secretaries of Commerce, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, or (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Salaries.
Post, pp. 650, 1044.

Provisos.
Salary restriction.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

Restriction not applicable in designated cases.

42 Stat. 1490.
5 U. S. C. § 666.

CONTINGENT EXPENSES (DEPARTMENTAL)

Department contingent expenses.
Post, p. 1044.

Microfilming equipment.

Post, p. 1109.

Objects for presentation in American republics.

Books, periodicals, etc.

Vehicles.

Attendance at meetings.

Refund of passport fees erroneously charged.

41 Stat. 750.

Contingent expenses: For contingent and miscellaneous expenses, including stationery, furniture, fixtures; typewriters, adding machines, and other labor-saving devices, including rental, exchange, and repair thereof (not to exceed \$27,500); microfilming equipment, including rental and repair thereof; translating services by contract without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); flags, books, pictures, portraits, and other objects of like character appropriate for presentation (through diplomatic and consular offices) to governments, schools, and other similar organizations in the American republics; purchase and exchange of books, maps, and periodicals, domestic and foreign, and, when authorized by the Secretary of State, dues for library membership in societies or associations which issue publications to members only, or at a price to members lower than to subscribers who are not members, newspapers, teletype rentals, and tolls (not to exceed \$12,500); purchase, including exchange, of one passenger-carrying automobile; maintenance, repair, and storage of motor-propelled vehicles, to be used only for official purposes (including one passenger-carrying vehicle for the Secretary of State and two for the general use of the Department); streetcar fare; traveling expenses, including not to exceed \$5,000 for expenses of attendance at meetings concerned with the work of the Department of State when authorized by the Secretary of State; refund of fees erroneously charged and paid for the issue of passports to persons who are exempted from the payment of such fee by section 1 of the Act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921, approved June 4, 1920 (22 U. S. C. 214, 214a); the examination of estimates of appropriations in the field; and other miscellaneous items not included in the foregoing, \$143,000, of which \$2,000 shall be available immediately.

PRINTING AND BINDING

Printing and binding.

Printing and binding: For all printing and binding in the Department of State, including all of its bureaus, offices, institutions, and services, located in Washington, District of Columbia, and elsewhere, \$237,000.

PASSPORT AGENCIES

Passport agencies.

Passport agencies: For salaries and expenses of maintenance, rent, cost of insurance covering shipments of money by messenger, registered mail, or otherwise, and traveling expenses not to exceed \$500, for not to exceed five passport agencies, \$57,500.

COLLECTING AND EDITING OFFICIAL PAPERS OF TERRITORIES OF THE UNITED STATES

Collecting, etc., of official papers of the Territories for publication.

45 Stat. 1412.

5 U. S. C., Supp. V, §§ 168a, 168c.

Collecting and editing official papers of Territories of the United States: For the expenses of collecting, editing, copying, and arranging for publication the official papers of the Territories of the United States, including personal services in the District of Columbia and elsewhere, printing and binding, and contingent and traveling expenses, as provided by the Act approved February 28, 1929 (5 U. S. C. 168-168b), as amended by the Act approved June 28, 1937 (50 Stat. 323), \$25,000.

FOREIGN INTERCOURSE

Post, p. 187.

AMBASSADORS AND MINISTERS

Salaries, Ambassadors and Ministers: For salaries of ambassadors and ministers, including salaries as authorized by section 1740, Revised Statutes, as amended by the Act of April 24, 1939 (53 Stat. 583), as follows: Ambassadors Extraordinary and Plenipotentiary to Argentina, Brazil, Chile, China, Colombia, Cuba, France, Germany, Great Britain, Italy, Japan, Mexico, Panama, Peru, Poland, Spain, Turkey, Union of Soviet Socialist Republics, and Venezuela, at \$17,500 each;

Salaries.
Ambassadors.
22 U. S. C. § 121.
22 U. S. C., Supp.
V, §§ 3, 3a.

Ambassador Extraordinary and Plenipotentiary to Belgium and Envoy Extraordinary and Minister Plenipotentiary to Luxemburg, \$17,500;

Envoy Extraordinary and Minister Plenipotentiary to the Netherlands, \$12,000;

Ministers.

Envoys Extraordinary and Ministers Plenipotentiary to Albania, Australia, Bolivia, Bulgaria, Czechoslovakia, Costa Rica, Denmark, Dominican Republic, Dominion of Canada, Ecuador, El Salvador, Finland, Greece, Guatemala, Haiti, Honduras, Hungary, Ireland, Liberia, Lithuania, Nicaragua, Norway, Paraguay, Portugal, Rumania, Union of South Africa, Sweden, Switzerland, Thailand, Uruguay, and Yugoslavia, at \$10,000 each; to Egypt and Saudi Arabia, \$10,000; to Iran and Afghanistan, \$10,000; and to Estonia and Latvia, \$10,000;

In all, not to exceed \$660,000:

Provided, That no salary herein appropriated shall be paid to any official receiving any other salary from the United States Government.

Proviso.
Restriction.

SALARIES OF FOREIGN SERVICE OFFICERS

Salaries, Foreign Service officers: For salaries of Foreign Service officers as provided in the Act approved February 23, 1931 (22 U. S. C. 3, 3a), as amended by the Act of April 24, 1939 (53 Stat. 583), including salaries of such officers for the period actually and necessarily occupied in receiving instructions and in making transits to and from their posts, and while awaiting recognition and authority to act in pursuance with the provisions of section 1740 of the Revised Statutes (22 U. S. C. 121); and salaries of Foreign Service officers or vice consuls while acting as *Chargés d'Affaires ad interim* or while in charge of a consulate general or consulate during the absence of the principal officer; \$4,166,000.

Foreign Service officers.
46 Stat. 1207.
22 U. S. C., Supp.
V, §§ 3, 3a.
Instruction and transit pay.

Chargés d'Affaires
ad interim.

TRANSPORTATION, FOREIGN SERVICE

Transportation, Foreign Service: To pay the traveling expenses, including travel by airplane when specifically authorized by the Secretary of State, of Diplomatic, Consular, and Foreign Service officers, and other employees of the Foreign Service, including Foreign Service inspectors, and under such regulations as the Secretary of State may prescribe, of their families and expenses of transportation of effects, in going to and returning from their posts, including not to exceed \$170,000 for expenses in connection with leaves of absence; attendance at trade and other conferences and congresses under orders of the Secretary of State as authorized by the Act approved February 23, 1931 (22 U. S. C. 16, 17); preparation and transportation of the remains of those officers and employees of the Foreign Service, who have died or may die abroad or in transit while

Transportation.

Leaves of absence.

46 Stat. 1209.
Bringing home remains of officers, etc., dying abroad.

Allowances to widows, etc.

Travel under Secretary's orders.

Proviso.
Subsistence on temporary detail under commission.

Office and living quarters allowances.

46 Stat. 818.

Provisos.
Advance payment of rent.
Leases.

Allowance for quarters, etc.; limitation.

Post, p. 185.

Cost of living allowances.
46 Stat. 1209, 1207.
22 U. S. C., Supp. V, § 23c.

Proviso.
Regulation of expenditure.

Representation allowances.
46 Stat. 1209.

Retirement and disability fund, Federal contribution.
46 Stat. 1207.
22 U. S. C., Supp. V, § 21.
Ante, p. 143.

Clerks, salaries.
46 Stat. 1207.

in the discharge of their official duties, to their former homes in this country or to a place not more distant for interment, and for the ordinary expenses of such interment, and also for payment under the provisions of section 1749 of the Revised Statutes (22 U. S. C. 130) of allowances to the widows or heirs at law of Diplomatic, Consular, and Foreign Service officers of the United States dying in foreign countries in the discharge of their duties, \$723,000, of which amount not to exceed \$50,000 shall be available until June 30, 1942, for disbursement for expenses of travel under orders issued by the Secretary of State during the fiscal year 1941: *Provided*, That this appropriation shall be available also for the authorized subsistence expenses of Consular and Foreign Service officers while on temporary detail under commission.

Office and living quarters allowances, Foreign Service: For rent, heat, fuel, and light for the Foreign Service for offices and grounds, and, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a), for living quarters and for allowances for living quarters, including heat, fuel, and light, \$2,153,000: *Provided*, That payment for rent may be made in advance: *Provided further*, That the Secretary of State may enter into leases for such offices, grounds, and living quarters for periods not exceeding ten years and without regard to section 3709 of the Revised Statutes (41 U. S. C. 5): *Provided further*, That no part of this appropriation shall be used for allowances for living quarters, including heat, fuel, and light, in an amount exceeding \$3,000 for an ambassador, minister, or chargé d'affaires, and not exceeding \$1,700 for any other Foreign Service officer: *Provided further*, That under this appropriation and the appropriations herein for "Contingent expenses, Foreign Service", and "Miscellaneous salaries and allowances, Foreign Service", not more than \$5,000 shall be expended for heat, fuel, and light for living quarters for each ambassador or minister occupying a Government-owned building for residence or residence and office purposes, and not more than \$1,700 for such purposes in the case of any other Foreign Service officer, and during the incumbency of a chargé d'affaires the limitation on such expenditures shall be the same as for the occupancy by the principal officer.

Cost of living allowances, Foreign Service: To carry out the provisions of the Act approved February 23, 1931 (22 U. S. C. 12, 23c), as amended by the Act of April 24, 1939 (53 Stat. 583), relating to allowances and additional compensation to diplomatic, consular, and Foreign Service officers, clerks, and other employees when such allowances and additional compensation are necessary to enable such officers, clerks, and other employees to carry on their work efficiently, \$338,500: *Provided*, That such allowances and additional compensation shall be granted only in the discretion of the President, and under such regulations as he may prescribe.

Representation allowances, Foreign Service: For representation allowances as authorized by the Act approved February 23, 1931 (22 U. S. C. 12), \$150,000.

Foreign Service retirement and disability fund: For financing the liability of the United States, created by the Act approved February 23, 1931 (22 U. S. C. 21), as amended by the Act of April 24, 1939 (53 Stat. 583) \$609,000, which amount shall be placed to the credit of the "Foreign Service retirement and disability fund".

Salaries of clerks, Foreign Service: For salaries of clerks in the Foreign Service, as provided in the Act approved February 23, 1931 (22 U. S. C. 23a), including salaries while under instruction in the

United States and during transit to and from homes in the United States upon the beginning and after termination of service, \$2,837,000.

Miscellaneous salaries and allowances, Foreign Service: For salaries or compensation of kavasses, guards, dragomans, porters, interpreters, prison keepers, translators, archive collators, Chinese writers, messengers, couriers, telephone operators, supervisors of construction, and custodial and operating force for maintenance and operation of Government-owned and leased diplomatic and consular properties in foreign countries; compensation of agents and employees of dispatch agencies at New York, San Francisco, Seattle, and New Orleans, including salaries during transit to and from their homes in the United States upon the beginning and after termination of service in foreign countries; operation of motor-propelled and other passenger- and non-passenger-carrying vehicles; for allowances to consular officers, who are paid in whole or in part by fees, for services necessarily rendered to American vessels and seamen, as provided in the Act of June 26, 1884 (22 U. S. C. 89; 46 U. S. C. 101); and such other miscellaneous personal services as the President may deem necessary, \$697,000: *Provided*, That no part of this appropriation shall be expended for salaries or wages of persons not American citizens performing clerical services (except interpreters, translators, and messengers), whether officially designated as clerks or not, in any foreign mission: *Provided further*, That the Secretary of the Navy is authorized, upon request by the Secretary of State, to assign enlisted men of the Navy and Marine Corps to serve as custodians, under the immediate supervision of the Secretary of State or the chief of mission, whichever the Secretary of State shall direct, at embassies, legations, or consulates of the United States located in foreign countries.

Contingent expenses, Foreign Service: For stationery; blanks; record and other books; seals; presses; flags; signs; military equipment and supplies; repairs and alterations; repairs, preservation, and maintenance of Government-owned and leased diplomatic and consular properties in foreign countries, including water, materials, supplies, tools, seeds, plants, shrubs, and similar objects; newspapers (foreign and domestic); freight; postage; telegrams; advertising; ice and drinking water for office purposes; purchase, maintenance, and hire of motor-propelled or horse-drawn passenger-carrying vehicles, and exchange, purchase, maintenance, and hire of other passenger-carrying vehicles; exchange of trucks; insurance of official motor vehicles in foreign countries when required by the law of such countries; funds for establishment and maintenance of commissary service; uniforms; furniture; household furniture and furnishings, except as provided by the Act of May 7, 1926, as amended (22 U. S. C. 292-299), for Government-owned or rented buildings; typewriters, adding machines, and other labor-saving devices, and exchange of same; maintenance and rental of launch for embassy in Turkey, not exceeding \$3,500, including personnel for operation; rent and other expenses for dispatch agencies at New York, San Francisco, Seattle, and New Orleans; traveling expenses, including the transportation of members of families and personal effects of diplomatic officers or Foreign Service officers acting as *chargés d'affaires* in traveling to seats of government at which they are accredited other than the city of usual residence and returning to the city of usual residence; loss by exchange; payment in advance for subscriptions to commercial information, telephone and other similar services; burial expenses and expenses in connection

Miscellaneous salaries and allowances.

Dispatch agencies.

Salaries during transit.

Vehicles.

Services to American seamen, etc.

23 Stat. 56.

Provisos.
Citizenship requirement.

Naval assignments as custodians.

Contingent expenses, Foreign Service.
Post, p. 650.

Vehicles.

Commissary service.

Government buildings abroad.
44 Stat. 403.
22 U. S. C., Supp. V, §§ 292-297.

Traveling, etc., expenses.

5 U. S. C., Supp.
V, § 118f.

Language study.

Relief, etc., of
American seamen.

Consular prisons,
etc.

Bringing home per-
sons charged with
crime.

Proviso.
Navy Department,
reimbursement.
Post, p. 650.

with last illness and death of certain native employees, as authorized by and in accordance with the Act of July 15, 1939 (53 Stat. 1043); expenses of vice consulates and consular agencies for any of the foregoing objects; allowances for special instruction, education, and individual training of Foreign Service officers at home and abroad, not to exceed \$7,500; cost, not exceeding \$500 per annum each, of the tuition of Foreign Service officers assigned for the study of the languages of Asia and eastern Europe; for relief, protection, and burial of American seamen in foreign countries, in the Panama Canal Zone, and in the Philippine Islands, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, in Puerto Rico, and in the Virgin Islands, and for expenses which may be incurred in the acknowledgment of the services of masters and crews of foreign vessels in rescuing American seamen or citizens from shipwreck or other catastrophe at sea; for expenses of maintaining in China, Egypt, Ethiopia, Morocco, and Muscat, institutions for incarcerating American convicts and persons declared insane by any consular court, rent of quarters for prisons, ice and drinking water for prison purposes, and for the expenses of keeping, feeding, and transportation of prisoners and persons declared insane by any consular court in China, Egypt, Ethiopia, Morocco, and Muscat; for every expenditure requisite for or incident to the bringing home from foreign countries of persons charged with crime as authorized by section 5275 of the Revised Statutes (18 U. S. C. 659); and such other miscellaneous expenses as the President may deem necessary; \$1,226,000: *Provided*, That this appropriation shall be available for reimbursement of appropriations for the Navy Department, in an amount not to exceed \$35,000, for materials, supplies, equipment, and services furnished by the Navy Department, including pay, subsistence, allowances, and transportation of enlisted men of the Navy and Marine Corps who may be assigned by the Secretary of the Navy, upon request of the Secretary of State, to embassies, legations, or consular offices of the United States located in foreign countries.

FOREIGN SERVICE BUILDINGS FUND

Foreign Service
Buildings Fund.

22 U. S. C., Supp.
V, § 295a.

Contracts author-
ized.

Provisos.
Payments in foreign
currency.

Retroactive authori-
zation.

Foreign Service Buildings Fund: For the purpose of carrying into effect the provisions of the Act of May 25, 1938, entitled "An Act to provide additional funds for buildings for the use of the diplomatic and consular establishments of the United States" (52 Stat. 441), including the initial alterations, repair, and furnishing of buildings acquired under said Act, \$300,000, to remain available until expended, and in addition the Secretary of State is authorized to enter into contracts for such purpose during the fiscal year 1941 in an amount of not to exceed \$100,000: *Provided*, That whenever a contract is made for the construction, alteration, or repair of a Foreign Service building which requires payments in a foreign currency, the Secretary of State is authorized to purchase such currency at such times and in such amounts (within the total amount of the payments to be made under such contract) as he may deem necessary, the currency so purchased to be disbursed and accounted for at its cost price: *Provided further*, That this authorization shall also apply to the funds available to the Secretary of State under prior appropriations for the construction of Foreign Service buildings.

EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE

Emergencies, Dip-
lomatic and Consular
Service.
Post, p. 650.

Emergencies arising in the Diplomatic and Consular Service: To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and

other interests of the United States and to meet the necessary expenses attendant upon the execution of the Neutrality Act, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U. S. C. 107), \$225,000: *Provided*, That whenever the President shall find that a state of emergency exists endangering the lives of American citizens in any foreign country, he may make available for expenditure for the protection of such citizens, by transfer to this appropriation, not to exceed \$500,000 from the various appropriations contained herein under the heading "Foreign Intercourse"; and reimbursements by American citizens to whom relief has been extended shall be credited to any appropriation from which funds have been transferred for the purposes hereof, except that reimbursements so credited to any appropriation shall not exceed the amount transferred therefrom.

Contracts entered into in foreign countries involving expenditures from any of the foregoing appropriations under the caption "Foreign Intercourse" shall not be subject to the provisions of section 3741 of the Revised Statutes (41 U. S. C. 22).

Not to exceed 10 per centum of any of the foregoing appropriations under the caption "Foreign Intercourse" for the fiscal year ending June 30, 1941, may be transferred, with the approval of the Director of the Bureau of the Budget, to any other foregoing appropriation or appropriations under such caption for such fiscal year, but no appropriation shall be increased more than 10 per centum thereby: *Provided*, That all such transfers and contemplated transfers shall be set forth in the Budget for the fiscal year 1942.

CONTRIBUTIONS, QUOTAS, AND SO FORTH

For payment of the annual contributions, quotas, and expenses, including loss by exchange in discharge of the obligations of the United States in connection with international commissions, congresses, bureaus, and other objects, in not to exceed the respective amounts, as follows: Cape Spartel and Tangier Light, Coast of Morocco, \$1,176; International Bureau of Weights and Measures, \$4,342.50; International Bureau of Publication of Customs Tariffs, \$1,318.77; Pan American Union, \$239,458.70, including not to exceed \$20,000 for printing and binding; International Bureau of Permanent Court of Arbitration, \$1,722.57; Bureau of Interparliamentary Union for Promotion of International Arbitration, \$10,000; International Institute of Agriculture at Rome, Italy, \$48,756, including not to exceed \$11,700 for the salary of the American member of the permanent committee (at not more than \$7,500 per annum), compensation of subordinate employees without regard to the Classification Act of 1923, as amended, expenses for the maintenance of the office at Rome, including purchase of necessary books, maps, documents, and newspapers and periodicals (foreign and domestic), printing and binding, allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a), for the use of the American member of the permanent committee, and traveling and other necessary expenses, to be expended under the direction of the Secretary of State; Pan American Sanitary Bureau, \$58,522.75; International Office of Public Health, \$3,015.63; Bureau of International Telecommunication Union, Radio Section, \$5,790; Inter-American Radio Office, \$3,655; Government of Panama, \$430,000; International Hydrographic Bureau, \$5,404; Inter-American Trade-Mark Bureau, \$14,330.20; International Bureau for Protection of Industrial Property, \$1,471.63; Gorgas Memorial Laboratory, \$50,000: *Provided*, That hereafter, notwithstanding the provisions of section 3 of the Act of May 7, 1928 (45 Stat. 491), the report of the operation

Neutrality Act expenses.
Ante, p. 4.
22 U. S. C., Supp. V, §§ 245j-245j-19.
Proviso.
Emergency transfer of funds.

Ante, p. 183.

Interest of Members of Congress; provision inapplicable.

41 U. S. C., Supp. V, § 22.
Interchange of appropriations; restriction.
Ante, p. 183.

Proviso.
Report in Budget.

Contributions, quotas, etc.

42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Allowances.

46 Stat. 818.

Gorgas Memorial Laboratory.
Proviso.
Report of operations to Congress.

International Technical Committee of Aerial Legal Experts.

Post, p. 1109.

International Labor Organization.

Personal services.

48 Stat. 1543.

International Council of Scientific Unions, etc.

Total; additional sums, increase in rates of exchange.

Convention for the Promotion of Inter-American Cultural Relations.

51 Stat. 178.

and work of the laboratory, including the statement of the receipts and expenditures, shall be made to Congress during the first week of each regular session thereof, such a report to cover a fiscal year period ending on June 30 of the calendar year immediately preceding the convening of each such session; American International Institute for the Protection of Childhood, \$2,000; International Statistical Bureau at The Hague, \$2,000; International Map of the World on the Millionth Scale, \$50; International Technical Committee of Aerial Legal Experts, \$6,745, including not to exceed \$6,500 for the expenses of participation by the Government of the United States in the meetings of the International Technical Committee of Aerial Legal Experts and of the commissions established by that committee, including traveling expenses, personal services in the District of Columbia and elsewhere without reference to the Classification Act of 1923, as amended, stenographic and other services by contract if deemed necessary without regard to the provisions of section 3709 of the Revised Statutes (41 U. S. C. 5), rent, purchase of necessary books and documents, printing and binding, official cards, entertainment, and such other expenses as may be authorized by the Secretary of State; Convention Relating to Liquor Traffic in Africa, \$55; International Penal and Penitentiary Commission, \$4,332, including not to exceed \$800 for the necessary expenses of the Commissioner to represent the United States on the Commission at its annual meetings, personal services without regard to the Classification Act of 1923, as amended, printing and binding, traveling expenses, and such other expenses as the Secretary of State may deem necessary; Permanent Association of International Road Congresses, \$588; International Labor Organization, \$163,511.64, including not to exceed \$8,000 for the expenses of participation by the United States in the meetings of the General Conference and of the Governing Body of the International Labor Office and in such regional, industrial, or other special meetings as may be duly called by such Governing Body, including personal services, in the District of Columbia and elsewhere, rent, traveling expenses, purchase of books, documents, newspapers, periodicals, and charts, stationery, official cards, printing and binding, hire, maintenance, and operation of motor-propelled passenger-carrying vehicles, and such other expenses as may be authorized by the Secretary of State; Implementing the Narcotics Convention of 1931, \$10,551.85; International Council of Scientific Unions and Associated Unions, as follows: International Council of Scientific Unions, \$19.30; International Astronomical Union, \$617.60; International Union of Chemistry, \$675; International Union of Geodesy and Geophysics, \$2,316; International Scientific Radio Union, \$232.40; International Union of Physics, \$62.72; International Geographical Union, \$125.44; and International Union of Biological Sciences, \$154.40; in all, \$4,202.86; and Pan American Institute of Geography and History, \$10,000; in all, \$1,083,000, together with such additional sums, due to increase in rates of exchange as the Secretary of State may determine and certify to the Secretary of the Treasury to be necessary to pay, in foreign currencies, the quotas and contributions required by the several treaties, conventions, or laws establishing the amount of the obligation.

Convention for the Promotion of Inter-American Cultural Relations: For meeting the obligations of the United States under the Convention for the Promotion of Inter-American Cultural Relations between the United States and the other American Republics, signed at Buenos Aires, December 23, 1936, including salaries, traveling expenses, tuition, and allowances for maintenance and living quar-

ters for professors and students in accordance with the provisions of the said convention, notwithstanding the provisions of any other Act, \$94,500, to be disbursed under the direction of the Secretary of State, who is authorized to transfer to any department or independent establishment of the Government, with the consent of the head thereof, any part of this amount for direct expenditure by such department or establishment for the purposes of this appropriation.

Transfer of funds.

INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND MEXICO

Salaries and expenses: For expenses of meeting the obligations of the United States under the treaties of 1884, 1889, 1905, 1906, and 1933 between the United States and Mexico, and of compliance with the Act approved August 19, 1935, as amended (49 Stat. 660, 1370), operation and maintenance of the Rio Grande rectification project and of the American dam and canal feature of the Rio Grande canalization project; construction and operation of gaging stations where necessary and their equipment; personal services and rent in the District of Columbia and elsewhere; fees for professional services at rates and in amounts to be determined by the Secretary of State; expenses of attendance at meetings which, in the discretion of the Commissioner, may be necessary for the efficient discharge of the responsibilities of the Commission (not to exceed \$500); traveling expenses, including transportation of effects; printing and binding; law books and books of reference; subscriptions to foreign and domestic newspapers and periodicals; purchase, exchange, maintenance, repair, and operation of motor-propelled passenger- and freight-carrying vehicles; hire, with or without personal services, of work animals, and animal-drawn and motor-propelled vehicles and equipment; purchase of rubber boots and waders for official use of employees; purchase of ice; drilling and testing of dam sites, by contract if deemed necessary, and purchase in the field of planographs and lithographs without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); equipment and such other miscellaneous expenses as the Secretary of State may deem proper, \$198,000: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not apply, in the discretion of the Commissioner, to any purchase by or service rendered for the United States Section of the International Boundary Commission, United States and Mexico, when the aggregate amount involved does not exceed \$500.

Salaries and expenses.
24 Stat. 1011; 26 Stat. 1512; 35 Stat. 1863; 34 Stat. 2953; 48 Stat. 1621.

Rio Grande, rectification and canalization projects.

Printing and binding.

Vehicles.

Testing of dam sites.

Post, p. 1109.

Proviso.
Minor purchases, etc.
Post, p. 1109.

Public Works projects under Commission.

Vehicles.

Post, p. 1109.

Construction, operation, and maintenance, Public Works projects: For the construction (including surveys and operation and maintenance and protection during construction) of the following projects under the supervision of the International Boundary Commission, United States and Mexico, United States section, including salaries and wages of employees, laborers, and mechanics; fees for professional services at rates and in amounts to be determined by the Secretary of State; travel expenses; rents; construction and operation of gaging stations; purchase, including exchange, maintenance, repair, and operation of motor-propelled passenger- and freight-carrying vehicles; drilling and testing of dam sites, by contract if deemed necessary, and purchase in the field of planographs and lithographs without regard to the provisions of section 3709 of the Revised Statutes (41 U. S. C. 5); hire, with or without personal services, of work animals and animal-drawn and motor-propelled vehicles and equipment; acquisition by donation, purchase, or condemnation, of real and personal property, including expenses of abstracts and certificates of title; transportation of things (including drayage,

Printing and binding.

Rio Grande rectification project.

48 Stat. 1621.

Funds continued available.
53 Stat. 894.

Lower Rio Grande flood-control project.

Balances reappropriated.

Proviso.
Approval of title to acquired land, etc.

Rio Grande canalization project.

Balances reappropriated.
53 Stat. 894.

packing, and crating of personal effects of employees upon change of station for permanent duty not to exceed five thousand pounds in any one case); printing and binding; communication services; equipment, materials and supplies, including purchase of ice, rubber boots, and waders for official use of employees, and such other miscellaneous expenses as the Secretary of State may deem necessary:

Rio Grande rectification project: For completion of the rectification of the Rio Grande in the El Paso-Juarez Valley under the convention concluded February 1, 1933, between the United States and Mexico, the funds made available under this head in the Department of State Appropriation Act, 1940, are continued available in an amount not to exceed \$60,000 until June 30, 1941.

Lower Rio Grande flood-control project: For the United States portion of the project for flood control on the Lower Rio Grande, as authorized by the Act approved August 19, 1935, as amended (49 Stat. 660, 1370), \$950,000, together with the unexpended balances of the appropriations for this purpose for the fiscal year 1940: *Provided*, That no part of this appropriation for the Lower Rio Grande flood-control project shall be expended for construction on any land, site, or easement until title thereto has been conveyed to the United States by donation and the same has been approved by the Attorney General of the United States.

Rio Grande canalization project: For the Rio Grande canalization project as authorized by the Acts approved August 29, 1935 (49 Stat. 961), and June 4, 1936 (49 Stat. 1463), \$500,000, together with the unexpended balances of the appropriations under this head for the fiscal year 1940.

INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA AND ALASKA AND CANADA

Expenses under treaty obligations.

44 Stat. 2102.

Demarcation of boundary lines.

To enable the President to perform the obligations of the United States under the treaty between the United States and Great Britain in respect of Canada, signed February 24, 1925; for salaries and expenses, including the salary of the Commissioner and salaries of the necessary engineers, clerks, and other employees for duty at the seat of government and in the field; cost of office equipment and supplies; necessary traveling expenses; commutation of subsistence to employees while on field duty, not to exceed \$4 per day each, but not to exceed \$1.75 per day each when a member of a field party and subsisting in camp; for payment for timber necessarily cut in keeping the boundary line clear, not to exceed \$500; and for all other necessary and reasonable expenses incurred by the United States in maintaining an effective demarcation of the international boundary line between the United States and Canada, and Alaska and Canada under the terms of the treaty aforesaid, including the completion of such remaining work as may be required under the award of the Alaskan Boundary Tribunal and existing treaties between the United States and Great Britain, and including the hire of freight- and passenger-carrying vehicles from temporary field employees, to be disbursed under the direction of the Secretary of State, \$43,000.

WATERWAYS TREATY, UNITED STATES AND GREAT BRITAIN: INTERNATIONAL JOINT COMMISSION, UNITED STATES AND GREAT BRITAIN

Salaries and expenses.
Post, p. 650.

Salaries and expenses: For salaries and expenses, including salaries of clerks and other employees appointed by the Commissioners on the part of the United States, with the approval solely of the Secretary of State; for necessary traveling expenses, and for expenses incident to holding hearings and conferences at such places in Canada

and the United States as shall be determined by the Commission or by the American Commissioners to be necessary, including traveling expense and compensation of necessary witnesses, making necessary transcript of testimony and proceedings; for cost of lawbooks, books of reference and periodicals, office equipment and supplies; and for one-half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between the United States and Great Britain concerning the use of boundary waters between the United States and Canada, and for other purposes, signed January 11, 1909; \$19,500, to be disbursed under the direction of the Secretary of State: *Provided*, That the Commissioners on the part of the United States shall serve in that capacity without additional compensation: *Provided further*, That traveling expenses of the American Commissioners, secretary, and necessary employees shall be allowed in accordance with the provisions of the Subsistence Expense Act of 1926, as amended (5 U. S. C. 821-833).

Special and technical investigations: For an additional amount for necessary special or technical investigations in connection with matters which fall within the scope of the jurisdiction of the International Joint Commission, including personal services in the District of Columbia or elsewhere, traveling expenses, procurement of technical and scientific equipment, and the purchase, exchange, hire, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles, \$48,500, to be disbursed under the direction of the Secretary of State, who is authorized to transfer to any department or independent establishment of the Government, with the consent of the head thereof, any part of this amount for direct expenditure by such department or establishment for the purposes of this appropriation.

INTERNATIONAL FISHERIES COMMISSION

Salaries and expenses: For the share of the United States of the expenses of the International Fisheries Commission, under the convention between the United States and Canada, concluded January 29, 1937, including salaries of two members and other employees of the Commission, traveling expenses, charter of vessels, purchase of books, periodicals, furniture, and scientific instruments, contingent expenses, rent in the District of Columbia, and such other expenses in the United States and elsewhere as the Secretary of State may deem proper, to be disbursed under the direction of the Secretary of State, \$28,000, to be available immediately: *Provided*, That not to exceed \$750 shall be expended by the Commissioners in attending meetings of the Commission.

INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION

Salaries and expenses: For the share of the United States of the expenses of the International Pacific Salmon Fisheries Commission, under the convention between the United States and Canada, concluded May 26, 1930, including personal services; traveling expenses; maintenance, repair, and operation of motor-propelled passenger-carrying vehicles; charter of vessels; purchase of books, periodicals, furniture, and scientific instruments; contingent expenses; rent in the District of Columbia and elsewhere; and such other expenses in the United States and elsewhere as the Secretary of State may deem proper, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, to be expended under the direction of the Secretary of State, \$35,000, to be available immediately.

Joint expenses.

36 Stat. 2448.

Proviso.
Compensation of
Commissioners.
Traveling expenses.

44 Stat. 688.

Special and techni-
cal investigations.

Personal services.

Transfer of funds.

Salaries and ex-
penses.

50 Stat. 1351.

Rent.

Proviso.
Attendance at meet-
ings.

Salaries and ex-
penses.

50 Stat. 1355.

Reimbursement of
other appropriations.

COOPERATION WITH THE AMERICAN REPUBLICS

Salaries and expenses.
Post, pp. 651, 1044.

53 Stat. 1290.
22 U. S. C., Supp.
V, §§ 249, 249a.
Printing and binding.

Post, p. 1109.
Attendance at meetings.

Vehicles.

Transfer of funds.

Minor purchases, etc.
Post, p. 1109.

Rent; restriction.

Inspectors, etc., of buildings.

Couriers.

Short title.

Department of Commerce Appropriation Act, 1941.

Salaries.

Salaries and expenses: For all expenses necessary to enable the Secretary of State to carry out the purposes of the Act entitled "An Act to authorize the President to render closer and more effective the relationship between the American Republics", approved August 9, 1939, and to supplement appropriations available for carrying out other provisions of law authorizing related activities, including personal services in the District of Columbia; not to exceed \$45,000 for printing and binding; stenographic reporting, translating, and other services by contract, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); expenses of attendance at meetings or conventions of societies and associations concerned with the furtherance of the purposes hereof; hire, maintenance, and operation of motor-propelled passenger-carrying vehicles; and purchase of books of reference and periodicals, \$120,500; and the Secretary of State is hereby authorized, subject to the approval of the President, to transfer to other departments, agencies, and independent establishments of the Government for expenditure in the United States and in the other American Republics not exceeding the following amounts, respectively: Civil Aeronautics Authority, \$2,500; Department of Commerce, for the Coast and Geodetic Survey, \$15,000; Federal Security Agency for the Public Health Service, including not to exceed two additional regular active commissioned officers, \$25,000, and the Office of Education, \$10,000; Department of the Interior, for the Office of the Secretary, \$18,000, and the Bureau of Fisheries, \$10,000.

Section 3709 of the Revised Statutes (41 U. S. C. 5) shall not apply to any purchase by or service rendered for the Department of State when the aggregate amount involved does not exceed \$100, or with respect to articles, materials, or supplies for use outside the United States, \$300; or when the purchase or service relates to the packing of personal and household effects of Diplomatic, Consular, and Foreign Service officers and clerks for foreign shipment.

Unless expressly authorized, no portion of the sums appropriated in this title shall be expended for rent or rental allowances in the District of Columbia or elsewhere in the United States.

The President, in his discretion, may assign officers of the Army or Navy or officers or employees of the Treasury Department or Federal Works Agency for duty as inspectors of buildings owned or occupied by the United States in foreign countries, or as inspectors or supervisors of buildings under construction or repair by or for the United States in foreign countries, under the jurisdiction of the Department of State, or for duty as couriers of the Department of State, and when so assigned they may receive the same traveling expenses as are authorized for officers of the Foreign Service, payable from the applicable appropriations of the Department of State.

This title may be cited as the "Department of State Appropriation Act, 1941".

TITLE II—DEPARTMENT OF COMMERCE

OFFICE OF THE SECRETARY

Salaries: Secretary of Commerce, Under Secretary of Commerce, Assistant Secretary, and other personal services in the District of Columbia, including the Chief Clerk and Superintendent, who shall be chief executive officer of the Department and who may be designated by the Secretary of Commerce to sign minor routine official papers and documents during the temporary absence of the Secretary, the Under Secretary, and the Assistant Secretary of the Department, \$384,500.

CONTINGENT EXPENSES, DEPARTMENT OF COMMERCE

Contingent expenses: For contingent and miscellaneous expenses of the offices and bureaus of the Department, except the Patent Office and the Bureau of the Census, including those for which appropriations for contingent and miscellaneous expenses are specifically made, including professional and scientific books, lawbooks, books of reference, periodicals, blank books, pamphlets, maps, newspapers (not exceeding \$1,500); purchase of atlases or maps; stationery; furniture and repairs to same; carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges; fuel, lighting and heating; purchase and exchange of motortrucks and bicycles; purchase, including exchange, of one motor-propelled passenger-carrying vehicle for the use of the Secretary of Commerce (\$1,800); maintenance, repair, and operation of three motor-propelled passenger-carrying vehicles (one for the Secretary of Commerce and two for the general use of the Department), and motortrucks and bicycles, to be used only for official purposes; freight and express charges; postage to foreign countries; telegraph and telephone service; teletype service and tolls (not to exceed \$1,000), typewriters, adding machines, and other labor-saving devices, including their repair and exchange; first-aid outfits for use in the buildings occupied by employees of this Department; \$77,500, which sum shall constitute the appropriation for contingent expenses of the Department, except the Patent Office and the Bureau of the Census, and shall also be available for the purchase of necessary supplies and equipment for field services of bureaus and offices of the Department for which contingent and miscellaneous appropriations are specifically made in order to facilitate the purchase through the central purchasing office (Division of Purchases and Sales) as provided by law.

Contingent and miscellaneous expenses.

Vehicles.

Traveling expenses: For all necessary traveling expenses under the Department of Commerce, including all bureaus and divisions thereunder except the Bureau of the Census, and including the examination of estimates of appropriations in the field, \$238,000: *Provided*, That not exceeding \$2,500 of this appropriation shall be available for the hire of automobiles for travel on official business, without regard to the provisions of the Act of July 16, 1914 (38 Stat. 508).

Traveling expenses.

Proviso.
Hire of automobiles.

5 U. S. C. § 78.

Printing and binding.

Proviso.
Detail of copy editors.

Printing and binding: For all printing and binding for the Department of Commerce, including all of its bureaus, offices, institutions, and services in the District of Columbia and elsewhere, except the Patent Office and the Bureau of the Census, \$328,000: *Provided*, That an amount not to exceed \$2,000 of this appropriation may be expended for salaries of persons detailed from the Government Printing Office for service as copy editors.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Departmental salaries and expenses: For the salary of the Director and other personal services in the District of Columbia (not to exceed \$1,325,000), and for all other authorized and necessary expenditures of the Bureau of Foreign and Domestic Commerce at the seat of Government in performing the duties imposed by law or in pursuance of law, including functions incident to the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States and administration of the China Trade Act; newspapers (not exceeding \$1,500), periodicals, and books of reference; purchase, exchange, and repair of typewriters and labor-saving devices; contract stenographic reporting services; fees and mileage of witnesses, and other contingent expenses in the District of Columbia, \$1,360,000: *Provided*, That expenses, except printing and binding and traveling expenses, of field studies or surveys conducted by depart-

Salaries and expenses.
Post, p. 64C.China Trade Act,
administration.
42 Stat. 849.
15 U. S. C. §§ 141-
162; Supp. V, §§ 142-
160.*Proviso.*
Field studies or
surveys.

mental personnel of the Bureau shall be payable from the amount herein appropriated.

Field office service. Field office service: For salaries (not to exceed \$397,000) and all other expenses necessary to operate and maintain regional, district, and cooperative branch offices for the collection and dissemination of information useful in the development and improvement of commerce throughout the United States and its possessions, including foreign and domestic newspapers (not exceeding \$300), periodicals and books of reference, and packing, crating, and transporting personal household effects of employees (not exceeding 5,000 pounds in any one case) when transferred from one official station to another for permanent duty, \$422,000.

Transportation of household effects. Customs statistics. Customs statistics: For all expenses necessary for the operation of the section of customs statistics transferred to the Department of Commerce from the Treasury Department by the Act approved January 5, 1923 (15 U. S. C. 194), and expenses connected with the monthly publication of statistics showing the United States exports and imports by customs districts and destinations, including personal services in the District of Columbia (not to exceed \$75,000) and elsewhere; rent of or purchase of tabulating, punching, sorting, and other mechanical labor-saving machinery or devices, including adding, typewriting, billing, computing, mimeographic, multigraphing, photostat, and other duplicating machines and devices, including their exchange and repair; telegraph and telephone service; freight, express, drayage; tabulating cards, stationery, and miscellaneous office supplies; books of reference and periodicals; furniture and equipment; ice, water, heat, light, and power; streetcar fare; and all other necessary incidental expenses not included in the foregoing, \$381,000.

Attendance at meetings.

The appropriation in this title for traveling expenses shall be available in an amount not to exceed \$7,000 for expenses of attendance at meetings concerned with the promotion of foreign and domestic commerce, or either, and also expenses of illustrating the work of the Bureau of Foreign and Domestic Commerce by showing of maps, charts, and graphs at such meetings, when incurred on the written authority of the Secretary of Commerce.

BUREAU OF THE CENSUS

Expenses of the Sixteenth Census.
Act, p. 87.
46 Stat. 21.
13 U. S. C., Supp.
V, §§ 106, 107.

Monographs.

For continuing the work of taking, compiling, and publishing the Sixteenth Census of the United States, as authorized by the Act of June 18, 1929 (13 U. S. C. 201-218), and the national census of housing as authorized by the Act of August 11, 1939 (53 Stat. 1406), and for carrying on other authorized census work, including personal services and rentals in the District of Columbia and elsewhere; the cost of transcribing State, municipal, and other records; contracts for the preparation of monographs on census subjects and other work of specialized character which cannot be accomplished through ordinary employment; per diem compensation of employees of the Department of Commerce and other departments and independent establishments of the Government who may be detailed for field work; expenses of attendance at meetings concerned with the collection of statistics, when incurred on the written authority of the Secretary of Commerce; purchase of books of reference, periodicals, maps, newspapers, manuscripts, first-aid outfits for use in the buildings occupied by employees of the census; maintenance, operation, and repair of a passenger-carrying automobile to be used on official business; construction, purchase, exchange, or rental of punching, tabulating, sorting, and other labor-saving machines, including technical, mechanical, and other services in connection therewith; printing and

Tabulating, etc., machines.

binding, traveling expenses, streetcar fares, and all other contingent expenses in the District of Columbia and in the field, \$17,850,000, of which \$2,000,000 shall be available immediately, and the unexpended balance of the appropriation under this title in the Department of Commerce Appropriation Act, 1940, is hereby continued available until June 30, 1941.

Salaries and expenses, Social Security Act: For salaries and necessary expenses for searching census records and supplying information incident to carrying out the provisions of the Social Security Act, approved August 14, 1935 (42 U. S. C., ch. 7), including personal services in the District of Columbia; binding records; supplies; services; \$110,000: *Provided*, That the procedure hereunder for the furnishing from census records of evidence for the establishment of age of individuals shall be pursuant to regulations approved jointly by the Secretary of Commerce and the Social Security Board.

53 Stat. 910.

Social Security Act,
salaries and expenses.49 Stat. 620.
42 U. S. C., Supp.
V, ch. 7.
Provided,
Joint approval of
regulations.

BUREAU OF MARINE INSPECTION AND NAVIGATION

Departmental salaries: For the director and other personal services in the District of Columbia, \$366,000.

Departmental sal-
aries.*Post*, p. 640.Salaries and general
expenses.*Post*, p. 641.

Salaries and general expenses: For salaries of shipping commissioners, inspectors, and other personal services; to enable the Secretary of Commerce to provide and operate such motorboats and employ such persons as may be necessary for the enforcement, under his direction, of laws relating to navigation and inspection of vessels, boarding of vessels, counting of passengers on excursion boats to prevent overcrowding, and to secure uniformity in the admeasurement of vessels; fees to witnesses; materials, supplies, equipment, and services, including rent and janitor service; purchase, exchange, and repair of instruments; plans and specifications; insignia, braid, and chin straps; coats, caps, and aprons for stewards' departments on vessels; and other incidental expenses of field offices, including contract stenographic reporting services in the District of Columbia and elsewhere; \$2,250,000: *Provided*, That \$50,000 of the amount herein appropriated shall be available only for the payment of extra compensation for overtime services of local inspectors of steam vessels and their assistants, United States shipping commissioners and their deputies and assistants, and customs officers and employees for which the United States receives reimbursement in accordance with the provisions of the Act of May 11, 1938 (52 Stat. 345).

Provided.
Local inspectors,
etc., overtime pay.46 U. S. C., Supp.
V, § 382b.

NATIONAL BUREAU OF STANDARDS

Salaries and expenses: For carrying out the provisions of the Act establishing the National Bureau of Standards, approved March 3, 1901 (5 U. S. C. 591, 597; 15 U. S. C. 271-278), and of Acts supplementary thereto affecting the functions of the Bureau, and specifically including the functions as set forth under the Bureau of Standards in the "Department of Commerce Appropriation Act, 1935", approved April 7, 1934, and for all necessary expenses, purchases, and personnel connected with administration and operation, testing, inspection, and technical information service, research and development, and standards for commerce, including rental of laboratories in the field, communication service, transportation service; street-car fares not exceeding \$100, expenses of the visiting committee, attendance of American member at the meeting of the International Committee of Weights and Measures; compensation and expenses of medical officers of the Public Health Service detailed to the National Bureau of Standards for the purpose of maintaining a first-aid

Salaries and ex-
penses.

31 Stat. 1449.

48 Stat. 552.

Attendance at meet-
ing.Detailed Public
Health Service offi-
cers.

Supplies, etc.	station and making clinical observations; compiling and disseminating scientific and technical data; demonstrating the results of the Bureau's work by exhibits or otherwise as may be deemed most effective; purchases of supplies, materials, stationery, electric power, fuel for heat, light, and power, and accessories of all kinds needed in the work of the Bureau, including supplies for office, laboratory, shop, and plant, and cleaning and toilet supplies, gloves, goggles, rubber boots and aprons; contingencies of all kinds; supplies for operation, maintenance, and repair of motortrucks and a passenger automobile for official use, including their exchange; purchases of equipment of all kinds, including its repair and exchange, including apparatus, machines and tools, furniture, typewriters, adding machines, and other labor-saving devices, books, periodicals, and reference books, including their exchange when not needed for permanent use; translation of technical articles when required; salary of the Director and other personal services in the District of Columbia and in the field, in accordance with the Classification Act of 1923, as amended:
Equipment.	
Personal services.	
42 Stat. 1488. 5 U. S. O. §§ 661-674; Supp. V, §§ 673, 673c.	
Operation and administration. <i>Post</i> , p. 1039.	Operation and administration: For the general operation and administration of the Bureau; improvement and care of the grounds; plant equipment; necessary repairs and alterations to buildings, \$305,000.
Testing, inspection, and information service.	Testing, inspection, and information service: For calibrating and certifying measuring instruments, apparatus, and standards in terms of the national standards; the preparation and distribution of standard materials; the broadcasting of radio signals of standard frequency; the testing of equipment, materials, and supplies in connection with Government purchases; the improvement of methods of testing; advisory services to governmental agencies on scientific and technical matters; and supplying available information to the public, upon request, in the field of physics, chemistry, and engineering; \$886,000.
Research and development.	Research and development: For the maintenance and development of national standards of measurement; the development of improved methods of measurement; the determination of physical constants and the properties of materials; the investigation of mechanisms and structures, including their economy, efficiency, and safety; the study of fluid resistance and the flow of fluids and heat; the investigation of radiation, radioactive substances, and X-rays; the study of conditions affecting radio transmission; the development of methods of chemical analysis and synthesis, and the investigation of the properties of rare substances; investigations relating to the utilization of materials, including lubricants and liquid fuels; the study of new processes and methods of fabrication; and the solutions of problems arising in connection with standards, \$725,000.
Standards for commerce.	Standards for commerce: For cooperation with Government purchasing agencies, industries, and national organizations in developing specifications and facilitating their use; for encouraging the application of the latest developments in the utilization and standardization of building materials; for the development of engineering and safety codes, simplified-practice recommendations, and commercial standards of quality and performance, \$121,500.
Cooperative work with departments, etc., on scientific investigations.	During the fiscal year 1941 the head of any department or independent establishment of the Government having funds available for scientific investigations and requiring cooperative work by the National Bureau of Standards on scientific investigations within the scope of the functions of that Bureau, and which the National Bureau of Standards is unable to perform within the limits of its appropriations, may, with the approval of the Secretary of Commerce,

transfer to the National Bureau of Standards such sums as may be necessary to carry on such investigations. The Secretary of the Treasury shall transfer on the books of the Treasury Department any sums which may be authorized hereunder, and such amounts shall be placed to the credit of the National Bureau of Standards for performance of work for the department or establishment from which the transfer is made, including, where necessary, travel expenses and compensation for personal services in the District of Columbia and in the field.

Transfer of funds.

The appropriation in this title for traveling expenses shall be available for the National Bureau of Standards in an amount not to exceed \$4,500 for expenses of attendance at meetings concerned with standardization and research or either, when incurred on the written authority of the Secretary of Commerce.

Attendance at meetings.

Total, National Bureau of Standards, \$2,037,500, of which amount not to exceed \$1,830,000 may be expended for personal services in the District of Columbia.

Total; personal services.

COAST AND GEODETIC SURVEY

For every expenditure requisite for and incident to the work of the Coast and Geodetic Survey, including purchase of not more than four motor-propelled station wagons and maintenance, repair, exchange, and operation of motor-propelled or horse-drawn vehicles for official use in field work, purchase of motorcycles with side cars, including their exchange, not to exceed \$500, surveying instruments, including their exchange, rubber boots, canvas and rubber gloves, goggles, and caps, coats, and aprons for stewards' departments on vessels, packing, crating, and transporting personal household effects of commissioned officers, when transferred from one official station to another for permanent duty, extra compensation at not to exceed \$1 per day for each station to employees of the Coast Guard and the Weather Bureau while observing tides or currents or tending seismographs, services of one tide observer in the District of Columbia at not to exceed \$1 per day, and compensation, not otherwise appropriated for, of persons employed in the field work, for operation, maintenance, and repair of an airplane for photographic survey, and expenses incident to the execution of field work upon approval by the head of the Bureau, to be expended in accordance with the regulations relating to the Coast and Geodetic Survey subscribed by the Secretary of Commerce, and under the following heads:

Expenses.

Field expenses, coastal surveys: For surveys and necessary resurveys of coasts on the Atlantic and Pacific Oceans and the Gulf of Mexico under the jurisdiction of the United States; continuing researches in physical hydrography relating to harbors and bars, and for tidal and current observations on the coasts of the United States or other coasts under the jurisdiction of the United States; compilation of the Coast Pilot, including the employment of pilots and nautical experts; the preparation or purchase of plans and specifications of vessels and the employment of hull draftsmen; the reimbursement, under rules prescribed by the Secretary of Commerce, of officers of the Coast and Geodetic Survey for food, clothing, medicines, and other supplies furnished for the temporary relief of distressed persons in remote localities and to shipwrecked persons temporarily provided for by them, not to exceed a total of \$500 and actual necessary expenses of officers of the field force temporarily ordered to the office in the District of Columbia for consultation with the director, \$477,500, of which amount not more than \$21,200 may be expended for personal services in the District of Columbia.

Field expenses, coastal surveys.

Coast Pilot, compilation.

Personal services.

Magnetic and seismological work.

Magnetic and seismological work: For continuing magnetic and seismological observations and to establish meridian lines in connection therewith in all parts of the United States; making magnetic and seismological observations in other regions under the jurisdiction of the United States; purchase of additional magnetic and seismological instruments; lease of sites where necessary and the erection of temporary magnetic and seismological buildings; and including the employment in the field and office of such magnetic and seismological observers, and instrument makers and stenographic services as may be necessary, \$68,500.

Federal, boundary, and State surveys.

Federal, boundary, and State surveys: For continuing lines of exact levels between the Atlantic, Pacific, and Gulf coasts; determining geographic positions by triangulation and traverse to establish the control for a national mapping program, and for the control of Federal, State, boundary, county, city, and other surveys and engineering works in all parts of the United States; including printing and binding, traveling and all other expenses necessary therefor; special geodetic surveys of first-order triangulation and leveling in regions subject to earthquakes, not exceeding \$10,000; determining field astronomic positions and the variation of latitude, including the maintenance and operation of the latitude observatories at Ukiah, California, and Gaithersburg, Maryland, not exceeding \$2,600 each; establishing lines of exact levels, determining geographic positions by triangulation and traverse, and making astronomic observations in Alaska; and continuing gravity observations in the United States and for making such observations in regions under the jurisdiction of the United States and also on islands and coasts adjacent thereto, \$450,000, of which amount not to exceed \$74,000, may be expended for personal services in the District of Columbia.

Ukiah and Gaithersburg observatories.

Observations, etc., in Alaska.

Personal services.

Vessels, repair, etc.

Vessels: For repair of vessels, and replacement of equipment thereon, exclusive of engineers' supplies and other ship chandlery, \$100,000.

Officers and men on vessels, pay.

Pay of officers and men on vessels: For all necessary employees to man and equip the vessels, including professional seamen serving as mates on vessels of the Survey, to execute the work of the Survey herein provided for and authorized by law, \$691,000.

Commissioned officers, pay and allowances.

Pay, commissioned officers: For pay and allowances prescribed by law for commissioned officers on sea duty and other duty, holding relative rank with officers of the Navy, including one director, six hydrographic and geodetic engineers with relative rank of captain, ten hydrographic and geodetic engineers with relative rank of commander, seventeen hydrographic and geodetic engineers with relative rank of lieutenant commander, forty-seven hydrographic and geodetic engineers with relative rank of lieutenant, sixty-one junior hydrographic and geodetic engineers with relative rank of lieutenant (junior grade), twenty-nine aides with relative rank of ensign, and including officers retired in accordance with existing law, \$845,000: *Provided*, That the Secretary of Commerce may designate one of the hydrographic and geodetic engineers to act as assistant director.

Proviso.
Assistant director.

Office force.
Post, p. 641.
Office expenses.
Post, p. 641.

Office force: For personal services, \$637,000.

Office expenses: For purchase of new instruments (except surveying instruments), including their exchange, materials, equipment, and supplies required in the instrument shop, carpenter shop, and chart division; one offset rotary chart printing press, books, scientific and technical books, journals, books of reference, maps, charts, and subscriptions; copper plates, chart paper, printer's ink, copper, zinc, and chemicals for electrotyping and photographing; engraving, printing, photographing, rubber gloves, and electrotyping supplies; photolithographing and printing charts for immediate use; stationery for office

and field parties; transportation of instruments and supplies when not charged to field expenses; telegrams; washing; office furniture, repairs; miscellaneous expenses, contingencies of all kinds, not exceeding \$90 for streetcar fares, \$92,000.

Aeronautical charts: For compilation and printing of aeronautical charts, including personal services in the District of Columbia (not to exceed \$92,280), operation of airplane for check flights, and aerial photographs, execution of ground surveys at air terminals, and the purchase of drafting, photographic, photolithographic, and printing supplies and equipment, \$120,000.

Appropriations herein made for traveling expenses or for the Coast and Geodetic Survey shall not be available for allowance to civilian or other officers for subsistence while on duty at Washington (except as hereinbefore provided for officers of the field force ordered to Washington for short periods for consultation with the director), except as now provided by law.

The appropriation in this title for traveling expenses shall be available, in an amount not to exceed \$650, for expenses of attendance at meetings concerned with the work of the Coast and Geodetic Survey when incurred on the written authority of the Secretary of Commerce.

Not to exceed \$2,500 of the appropriations herein made for the Coast and Geodetic Survey shall be available for the payment of part-time or intermittent employment in the District of Columbia, or elsewhere, of such architects, engineers, scientists, and technicians as may be contracted for by the Secretary of Commerce, in his discretion, at a rate of pay not exceeding \$25 per diem for any person so employed.

PATENT OFFICE

Salaries: For the Commissioner of Patents and other personal services in the District of Columbia, \$3,540,000.

Photolithographing: For producing copies of weekly issue of drawings of patents and designs; reproduction of copies of drawings and specifications of exhausted patents, designs, trade-marks, and other papers, such other papers when reproduced for sale to be sold at not less than cost plus 10 per centum; reproduction of foreign patent drawings; photo prints of pending application drawings; and photostat and photographic supplies and dry mounts, \$175,000: *Provided*, That the headings of the drawings for patented cases may be multi-graphed in the Patent Office for the purpose of photolithography.

Miscellaneous expenses: For purchase and exchange of law, professional, and other reference books and publications and scientific books; expenses of transporting publications of patents issued by the Patent Office to foreign governments; directories, furniture, filing cases; exchange of labor-saving office devices; for investigating the question of public use or sale of inventions for two years or more prior to filing applications for patents, and such other questions arising in connection with applications for patents and the prior art as may be deemed necessary by the Commissioner of Patents; for expense attending defense of suits instituted against the Commissioner of Patents, and for other contingent and miscellaneous expenses of the Patent Office, \$68,000.

Printing and binding: For printing the weekly issue of patents, designs, trade-marks, prints, and labels, exclusive of illustrations; and for printing, engraving illustrations, and binding the Official Gazette, including weekly and annual indexes, \$791,000; for miscellaneous printing and binding, \$49,000; in all, \$840,000.

The appropriation in this title for traveling expenses shall be available, in an amount not to exceed \$500, for expenses of attendance at

Aeronautical charts.
Post, p. 641.

Restriction on use of funds.

Attendance at meetings.

Temporary employment of architects, etc.

Rate of pay.

Salaries.
Post, p. 1039.

Photolithographing.
Post, p. 1040.

Proviso.
Multigraphed headings.

Miscellaneous expenses.
Post, p. 1040.

Printing and binding.

Attendance at meetings.

meetings concerned with the work of the Patent Office when incurred on the written authority of the Secretary of Commerce.

Short title.

This title may be cited as the "Department of Commerce Appropriation Act, 1941".

Department of Justice Appropriation Act, 1941.

TITLE III—DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

Personal services, designated offices.
Post, pp. 644, 1043.

For personal services in the District of Columbia as follows:

For the Office of the Attorney General, \$70,000.

For the Office of the Solicitor General, \$69,000.

For the Office of the Assistant Solicitor General, \$48,900.

For the Office of Assistant to the Attorney General, \$77,500.

For the Administrative Division, \$639,500.

For the Tax Division, \$567,500.

For the Criminal Division, \$230,000.

For the Claims Division, \$325,500.

For the Office of Pardon Attorney, \$26,100.

Total, personal services, Office of the Attorney General, \$2,054,000.

Interchangeability of amounts.

Not to exceed 5 per centum of the foregoing amounts shall be available interchangeably for expenditures in the various offices and divisions named, but not more than 5 per centum shall be added to the amount appropriated for any one of said offices or divisions and any interchange of appropriations hereunder shall be reported to Congress in the annual Budget.

Contingent expenses.
Post, p. 644.

Contingent expenses: For stationery, furniture and repairs, floor coverings, file holders and cases; miscellaneous expenditures, including telegraphing and telephones, and teletype rentals and tolls, postage, labor, typewriters and adding machines and the exchange thereof and repairs thereto, streetcar fares, newspapers not exceeding \$350, press clippings, and other necessities ordered by the Attorney General; official transportation, including the repair, maintenance, and operation of four motor-driven passenger cars (one for the Attorney General and three for general use of the Department), delivery trucks, and motorcycle, to be used only for official purposes; purchase of law-books, books of reference, and periodicals, including the exchange thereof; examination of estimates of appropriation in the field; and miscellaneous and emergency expenses authorized and approved by the Attorney General, to be expended at his discretion, \$175,000: *Provided*, That not to exceed \$2 per volume shall be paid for the current and future volumes of the United States Code Annotated.

Proviso.
U. S. Code Annotated, price limitation.
Traveling expenses.
Post, p. 644.
Exceptions.

Traveling expenses: For all necessary traveling expenses, Department of Justice, not including traveling expenses otherwise payable under any appropriations for "Federal Bureau of Investigation", "Salaries and expenses of marshals", "Fees of witnesses", and "Penal and correctional institutions" (except as otherwise hereinbefore provided), \$589,000: *Provided*, That this sum shall be available, in an amount not to exceed \$3,500, for expenses of attendance at meetings concerned with the work of the Bureau of Prisons when incurred on the written authorization of the Attorney General.

Proviso.
Attendance at meetings, Bureau of Prisons.

Printing and binding.
Post, p. 644.

Printing and binding: For printing and binding for the Department of Justice, \$325,000.

FEDERAL BUREAU OF INVESTIGATION

Detection and prosecution of crimes.

Salaries and expenses, detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; for the protection of the person of the President of the United

States; the acquisition, collection, classification, and preservation of identification and other records and their exchange with the duly authorized officials of the Federal Government, of States, cities, and other institutions; for such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General; purchase and exchange not to exceed \$60,000, and hire, maintenance, upkeep, and operation of motor-propelled passenger-carrying vehicles, to be used only on official business; purchase (including exchange) at not to exceed \$7,000 of one, and maintenance, upkeep, and operation, of not more than four armored automobiles; firearms and ammunition; such stationery, supplies, floor coverings, equipment, and telegraph, teletype, and telephone service at the seat of government or elsewhere as the Attorney General may direct; not to exceed \$10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph and to be expended under the direction of the Attorney General; traveling expenses, including expenses in an amount not to exceed \$4,500, of attendance at meetings concerned with the work of such Bureau when authorized in writing by the Attorney General; not to exceed \$1,500 for membership in the International Criminal Police Commission; payment of rewards when specifically authorized by the Attorney General for information leading to the apprehension of fugitives from justice, including not to exceed \$20,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, who shall make a certificate of the amount of such expenditure as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended; and including not to exceed \$2,016,480 for personal services in the District of Columbia; \$7,222,000: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the Federal Bureau of Investigation in the field when the aggregate amount involved does not exceed \$50: *Provided further*, That none of the funds appropriated herein under the Federal Bureau of Investigation shall be used to pay the compensation of any civil-service employee, except finger-print classifiers.

Salaries and expenses for certain emergencies: For an additional amount for salaries and expenses, including the same purposes and under the same conditions specified in the preceding paragraph, \$200,000, to be held as a reserve for emergencies arising in connection with kidnaping, extortion and bank robbery, and to be released for expenditure in such amounts and at such times as the Attorney General may determine.

Salaries and expenses, detection and prosecution of crimes (emergency): For salaries and expenses, during the limited national emergency, in the detection and prosecution of crimes against the United States; for the protection of the person of the President of the United States; the acquisition, collection, classification, and preservation of identification and other records and their exchange with the duly authorized officials of the Federal Government, of States, cities, and other institutions; for such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General; purchase and exchange not to exceed \$75,000, and hire, maintenance, upkeep, and operation of motor-propelled passenger-carrying vehicles, to be used only on official business; firearms and ammunition; such stationery, supplies, floor coverings, equipment, and telegraph, tele-

Identification, etc., records.

Investigations, matters under control of Departments of Justice and State.

Vehicles.

Traveling expenses.

Rewards for information.

Emergencies.

Personal services.

Provisos.
Minor purchases.
Post, p. 1109.

Use of funds.

Emergencies.

Detection and prosecution of crimes (emergency).
Post, p. 600.

Provisos.
Minor purchases.
Post, p. 1109.

Use of funds.

type, and telephone service at the seat of government or elsewhere as the Attorney General may direct; not to exceed \$3,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph and to be expended under the direction of the Attorney General; traveling expenses; payment of rewards when specifically authorized by the Attorney General for information leading to the apprehension of fugitives from justice, including not to exceed \$100,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, who shall make a certificate of the amount of such expenditure as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended; and including not to exceed \$245,000 for personal services in the District of Columbia; \$2,488,000: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the Federal Bureau of Investigation in the field when the aggregate amount involved does not exceed \$50: *Provided further*, That none of the funds appropriated herein under the Federal Bureau of Investigation shall be used to pay the compensation of any civil-service employee, except fingerprint classifiers.

BUREAU OF PRISONS

Salaries.

Salaries: For salaries in the District of Columbia and elsewhere in connection with the supervision of the maintenance and care of United States prisoners, \$308,000.

MISCELLANEOUS APPROPRIATIONS

Conduct of customs cases.

Conduct of customs cases: Assistant Attorney General, special attorneys and counselors at law in the conduct of customs cases, to be employed and their compensation fixed by the Attorney General; necessary clerical assistance and other employees at the seat of government and elsewhere, to be employed and their compensation fixed by the Attorney General, including experts at such rates of compensation as may be authorized or approved by the Attorney General; expenses of procuring evidence, supplies, Supreme Court Reports and Digests, and Federal Reporter and Digests, and other miscellaneous and incidental expenses, to be expended under the direction of the Attorney General; in all, \$128,500.

Enforcement of antitrust, etc., laws.

Enforcement of antitrust and kindred laws: For the enforcement of antitrust and kindred laws, including experts at such rates of compensation as may be authorized or approved by the Attorney General, except that the compensation paid to any person employed hereunder shall not exceed the rate of \$10,000 per annum, including personal services in the District of Columbia, \$1,325,000: *Provided*, That none of this appropriation shall be expended for the establishment and maintenance of permanent regional offices of the Antitrust Division: *Provided further*, That no part of this appropriation shall be used for the payment of any person hereafter appointed at a salary of \$7,500 or more for the enforcement of antitrust and kindred laws unless such person is appointed by the President, by and with the advice and consent of the Senate.

Salary restriction.

Provisos.
Permanent regional offices, restriction.

Senate approval of appointments at \$7,500 or more.

Bond and Spirits Division.

Bond and Spirits Division: For salaries and expenses in connection with the preliminary determination of civil liabilities arising under acts pursuant to the eighteenth amendment before repeal; the preliminary determination of compromises and petitions for remission of forfeitures arising out of current internal-revenue liquor laws; the supervision of the collection on forfeited bail bonds and judgments and fines imposed in criminal cases; personal services in

the District of Columbia and elsewhere, and such other expenditures as may be necessary, \$185,000: *Provided*, That no part of this appropriation shall be used to compensate any person not appointed pursuant to civil-service laws and regulations, but this limitation shall not apply to attorneys or the head of the division.

Examination of judicial offices: For the investigation of the official acts, records, and accounts of marshals, attorneys, clerks of the United States courts and Territorial courts, probation officers, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; and also the official acts, records, and accounts of referees and trustees of such courts; in all, \$51,000, to be expended under the direction of the Attorney General.

Salaries and expenses, veterans' insurance litigation: For salaries and expenses incident to the defense of suits against the United States under section 19, of the World War Veterans' Act, 1924, approved June 7, 1924, as amended and supplemented, or the compromise of the same under the Independent Offices Appropriation Act, 1934, approved June 16, 1933, including office expenses, law-books, supplies, equipment, stenographic reporting services by contract or otherwise, including notarial fees or like services and stenographic work in taking depositions at such rates of compensation as may be authorized or approved by the Attorney General, printing and binding, the employment of experts at such rates of compensation as may be authorized or approved by the Attorney General, and personal services in the District of Columbia and elsewhere, \$375,000.

Salaries and expenses, Lands Division: For personal services in the District of Columbia and elsewhere, and for other necessary expenses, including employment of experts at such rates of compensation as may be authorized or approved by the Attorney General, purchase and exchange of typewriters, adding machines and other labor-saving devices, stenographic reporting services by contract or otherwise, and notarial fees or like services, \$1,400,000.

Miscellaneous salaries and expenses, field: For salaries not otherwise specifically provided for (not to exceed \$110,000) and for such other expenses for the field service, Department of Justice, as may be authorized or approved by the Attorney General, including experts, and notarial fees or like services and stenographic work in taking depositions, at such rates of compensation as may be authorized or approved by the Attorney General, so much as may be necessary in the discretion of the Attorney General for such expenses in the District of Alaska, and in courts other than Federal courts; patent applications and contested proceedings involving inventions; rent of rooms; supplies and equipment, including the exchange of typewriting and adding machines, firearms and ammunition therefor; purchase of law books, including exchange thereof, and the Federal Reporter and continuations thereto as issued, \$317,500: *Provided*, That not to exceed \$2 per volume shall be paid for the current and future volumes of the United States Code Annotated.

Salaries and expenses of district attorneys, and so forth: For salaries and expenses of United States district attorneys and their regular assistants, clerks, and other employees, including the office expenses of United States district attorneys in Alaska, and for salaries of regularly appointed clerks to United States district attorneys for services rendered during vacancy in the office of the United States district attorney, \$3,185,000.

Proviso.
Appointments pursuant to civil-service laws; exceptions.

Examination of judicial offices.

Veterans' insurance litigation.

43 Stat. 612; 48 Stat. 302.
38 U. S. C. §§ 445, 445b; Supp. V, §§ 445, 445b.

Lands Division.
Post, p. 645.

Miscellaneous salaries and expenses, field.
Post, p. 645.

Rent.

Proviso.
U. S. Code Annotated, price limitation.

District attorneys, etc.
Post, p. 645.

Special attorneys, etc.	Salaries and expenses of special attorneys, and so forth: For compensation of special attorneys and assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases, and for payment of foreign counsel employed by the Attorney General in special cases, \$575,000, no part of which, except for payment of foreign counsel, shall be used to pay the compensation of any persons except attorneys duly licensed and authorized to practice under the laws of any State, Territory, or the District of Columbia: <i>Provided</i> , That the amount paid as compensation hereunder shall not exceed the rate of \$10,000 per annum: <i>Provided further</i> , That reports be submitted to the Congress on the 1st day of July and January showing the names of the persons employed hereunder, the annual rate of compensation or amount of any fee paid to each together with a description of their duties: <i>Provided further</i> , That no part of this appropriation shall be used for the payment of any person hereafter appointed at a salary of \$7,500 or more and paid from this appropriation unless such person is appointed by the President, by and with the advice and consent of the Senate.
Foreign counsel.	
<i>Provisos.</i> Salary restriction.	
Reports of personnel to Congress.	
Senate approval of appointments at \$7,500 or more.	
Marshals, etc. <i>Post</i> , p. 645.	Salaries and expenses of marshals, and so forth: For salaries, fees, and expenses of United States marshals and their deputies, including services rendered in behalf of the United States or otherwise; services in Alaska in collecting evidence for the United States when so specifically directed by the Attorney General; traveling expenses; purchase, when authorized by the Attorney General, of ten motor-propelled passenger-carrying vans at not to exceed \$2,000 each; and maintenance, alteration, repair, and operation of motor-propelled passenger-carrying vehicles used in connection with the transaction of the official business of the United States marshals; \$3,895,000: <i>Provided</i> , That United States marshals and their deputies may be allowed, in lieu of actual expenses of transportation, not to exceed 3 cents per mile for the use of their own automobiles for transportation when traveling on official business within the limits of their official station.
Services in Alaska.	
Vehicles.	
<i>Proviso.</i> Transportation allowance.	
Witnesses; fees, expenses, etc. <i>Ante</i> , pp. 61, 63.	Fees of witnesses: For mileage and per diems of witnesses and for per diems in lieu of subsistence; and for payment of the expenses of witnesses, as provided by section 850, Revised Statutes (28 U. S. C. 604), including the expenses, mileage, and per diems of witnesses on behalf of the Government before the United States Customs Court, such payments to be made on the certification of the attorney for the United States and to be conclusive as provided by section 846, Revised Statutes (28 U. S. C. 577), \$1,375,000: <i>Provided</i> , That not to exceed \$25,000 of this amount shall be available for such compensation and expenses of witnesses or informants as may be authorized or approved by the Attorney General, which approval shall be conclusive: <i>Provided further</i> , That no part of the sum herein appropriated shall be used to pay any witness more than one attendance fee for any one calendar day, which fee shall not exceed \$1.50 except in the District of Alaska.
<i>Provisos.</i> Authorization by Attorney General.	
Limitation on attendance fee.	
Exception.	
Bailiffs, etc.	Pay and expenses of bailiffs: For pay of bailiffs, not exceeding three bailiffs in each court, except in the southern district of New York and the northern district of Illinois; and meals and lodging for bailiffs or deputy marshals in attendance upon juries in United States cases, when ordered by the court, \$280,000: <i>Provided</i> , That, except in the case of bailiffs in charge of juries over Sundays and holidays, no per diem shall be paid to any bailiff unless the judge is present and presiding in court or present in chambers: <i>Provided further</i> , That none of this appropriation shall be used for the pay of bailiffs when deputy marshals or marshals are available for the duties ordinarily executed by bailiffs, the fact of unavailability to be determined by the certificate of the marshal.
<i>Provisos.</i> Per diem restriction.	
Use of funds limited.	

PENAL AND CORRECTIONAL INSTITUTIONS

Salaries and expenses: For every expenditure authorized by law or by orders and regulations made in pursuance of law, not otherwise provided for, requisite for and incident to the support of prisoners, and the maintenance and operation of Federal penal and correctional institutions; expenses of interment or transporting remains of deceased inmates to their homes in the United States; purchase of not to exceed nine passenger-carrying automobiles; purchase of five busses in an aggregate amount not exceeding \$17,500; maintenance and repair of passenger-carrying automobiles; expenses of attendance at meetings concerned with the work of the Prison Service when authorized in writing by the Attorney General; traveling expenses of members of advisory boards authorized by law incurred in the discharge of their official duties; packing, crating, drayage, and transportation, not to exceed five thousand pounds in any one case of household effects of employees, whether shipped by railroad or by motortruck, when transferred from one official station to another for permanent duty; furnishing of uniforms and other distinctive wearing apparel necessary for employees in the performance of their official duties; newspapers, books, and periodicals; firearms and ammunition; purchase and exchange of farm products and livestock; under the following heads: *Provided*, That any part of the appropriations under this heading used for payment of salaries of personnel employed in the operation of prison commissaries shall be reimbursed from commissary earnings, and such reimbursement shall be in addition to the amounts appropriated herein.

Salaries and expenses.

Vehicles.

Attendance at meetings.

Provide.
Prison commissaries.

Penitentiaries and reformatories: For maintenance and operation of United States penitentiaries and reformatories, including not to exceed \$4,553,000 for salaries and wages of all officers and employees, \$8,090,000.

Penitentiaries and reformatories.

Medical Center for Federal Prisoners: For maintenance and operation of the Medical Center for Federal Prisoners at Springfield, Missouri, including not to exceed \$240,000 for salaries and wages of all officers and employees, \$554,000.

Medical Center for Federal Prisoners.

Jails and correctional institutions: For maintenance and operation of Federal jails and correctional institutions, including not to exceed \$1,806,000 for salaries and wages of all officers and employees, \$2,690,000: *Provided*, That not to exceed \$25,000 shall be available for the acquisition of approximately one hundred and eighty acres of land adjoining the Federal Correctional Institution at Denver, Colorado.

Jails and correctional institutions.

Provide.
Acquisition of land, Denver, Colo.

Prison camps: For the construction and repair of buildings at prison camps and for maintenance and operation of prison camps, \$626,000.

Prison camps.

Medical and hospital service: For medical relief for inmates of penal and correctional institutions and appliances necessary for patients including personal services in the District of Columbia and elsewhere; and furnishing and laundering of uniforms and other distinctive wearing apparel necessary for the employees in the performance of their official duties, \$1,015,000: *Provided*, That there may be transferred to the appropriation "Pay, and so forth, commissioned officers, Public Health Service", such amount as may be necessary for the pay of not to exceed thirty officers assigned to the Federal Prison Service, and to other appropriations of the Public Health Service such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditure by that Service for the other objects mentioned above.

Medical and hospital service.

Provide.
Public Health Service assignments.
Post, p. 584.

Construction and repair, McNeil Island: For construction and repair of buildings and development of island area at the United

McNeil Island, Wash., construction, etc.

Employment of inmates. <i>Proviso.</i> Cost limitation.	States Penitentiary, McNeil Island, Washington, including the purchase and installation of machinery and equipment and all expenses incident thereto, \$45,000, to be available immediately and to remain available until expended and to be expended so as to give the maximum amount of employment to inmates of the institution: <i>Provided</i> , That the ultimate cost of the project for the development of the island area shall not exceed \$800,000.
Buildings and facilities, construction, etc.	Construction of buildings and facilities: For construction, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions and all necessary expenses incident thereto, to be expended under the direction of the Attorney General by contract or purchase of material and hire of labor and services and utilization of labor of United States prisoners as the Attorney General may direct, \$200,000.
Support of U. S. prisoners in non-Federal institutions and in Alaska.	Support of United States prisoners: For support of United States prisoners in non-Federal institutions and in the Territory of Alaska, including necessary clothing and medical aid, discharge gratuities provided by law, and transportation to place of conviction or place of bona fide residence in the United States, or such other place within the United States as may be authorized by the Attorney General; and including rent, repair, alteration, and maintenance of buildings and the maintenance of prisoners therein, occupied under authority of sections 4 and 5 of the Act of May 14, 1930 (18 U. S. C. 753c, 753d); support of prisoners becoming insane during imprisonment and who continue insane after expiration of sentence, who have no relatives or friends to whom they can be sent; shipping remains of deceased prisoners to their relatives or friends in the United States and interment of deceased prisoners whose remains are unclaimed; expenses incurred in identifying, pursuing, and returning escaped prisoners and for rewards for their recapture; and for repairs, betterments, and improvements of United States jails, including sidewalks, \$1,650,000.
46 Stat. 828.	None of the money appropriated by this title shall be used to pay any witness or bailiff more than one per diem for any one day's service even though he serves in more than one of such capacities on the same day.
Attendance fees, restriction.	None of the funds appropriated by this title may be used to pay the compensation of any person hereafter employed as an attorney unless such person shall be duly licensed and authorized to practice as an attorney under the laws of a State, Territory, or the District of Columbia.
Attorneys, license requirement.	The foregoing appropriations for "Traveling expenses, Department of Justice", and "Salaries and expenses of marshals, and so forth, Department of Justice", shall be available, respectively, for traveling expenses of the district attorney and of the marshal of the United States Court for China and of employees of their offices and, under such regulations as the Attorney General may prescribe, of their families and effects in going to and returning from their posts; for the expenses of preparation and transportation of remains of such officers and employees who may die abroad or in transit while in the discharge of their official duties to their former homes in the United States or to a place not more distant for interment; and for the traveling expenses of said officers and employees and their dependents while en route to or from places of temporary refuge in time of war, political disturbance, earthquake, epidemic, or similar emergency, and for per diem in lieu of subsistence of such officers, employees, and their dependents while in a refugee status; and the appropriations "Salaries and expenses of district attorneys, and so forth, Department of Justice", and "Salaries and expenses of marshals, and so forth, Department of Justice", shall be available, respectively, to the district attor-
U. S. Court for China, district attorney, marshal, etc. Traveling expenses.	
Bringing home remains from abroad, etc.	

ney and Marshal of the United States Court for China and to employees in their offices for allowances for living quarters, including heat, fuel, and light as authorized by the Act of June 26, 1930 (5 U. S. C. 118a), not to exceed \$1,700 for any one person and in no event to exceed the amount actually and reasonably expended by the recipient of such allowances for living quarters, including heat, fuel, and light; lawbooks and other books of reference; ice and drinking water for office purposes; and expenses of maintaining in China American convicts and persons declared insane by the Court; rent of quarters for prisoners; ice and drinking water for prison purposes; wages of prison keepers; and the expense of keeping, feeding, and transporting prisoners and persons declared insane by the Court.

Sixty per centum of the expenditures for the offices of the United States District Attorney and the United States Marshal for the District of Columbia from all appropriations in this title shall be reimbursed to the United States from any funds in the Treasury of the United States to the credit of the District of Columbia.

This title may be cited as the "Department of Justice Appropriation Act, 1941".

46 Stat. 818.

Maintenance of prisoners and insane.

Reimbursement by District of Columbia.

Short title.

TITLE IV—THE JUDICIARY

The Judiciary Appropriation Act, 1941.

UNITED STATES SUPREME COURT

Salaries: For the Chief Justice and eight Associate Justices; Reporter of the Court; and all other officers and employees, whose compensation shall be fixed by the Court, except as otherwise provided by law, and who may be employed and assigned by the Chief Justice to any office or work of the Court, \$449,500.

Salaries.

Printing and binding: For printing and binding for the Supreme Court of the United States, \$23,500, to be expended as required without allotment by quarters, and to be executed by such printer as the Court may designate.

Printing and binding.

Miscellaneous expenses: For miscellaneous expenses of the Supreme Court of the United States, to be expended as the Chief Justice may approve, \$25,000.

Miscellaneous expenses.

Structural and mechanical care of the building and grounds: For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U. S. C. 13a-13d), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances, special clothing for workmen; purchase of waterproof wearing apparel; and personal and other services, including temporary labor without reference to the Classification and Retirement Acts, as amended, and for snow removal by hire of men and equipment or under contract without compliance with sections 3709 and 3744 of the Revised Statutes (41 U. S. C. 5, 16), \$65,000.

Care of building and grounds.
Post, p. 647.

48 Stat. 668.

Post, p. 1109.

UNITED STATES COURTS FOR THE DISTRICT OF COLUMBIA

Sixty per centum of the expenditures for the District Court of the United States for the District of Columbia from all appropriations under this title and 30 per centum of the expenditures for the United States Court of Appeals for the District of Columbia from all appropriations under this title shall be reimbursed to the United States from any funds in the Treasury to the credit of the District of Columbia.

Division of expenditures.

Repairs and improvements, District Court of the United States for the District of Columbia: For repairs and improvements to the courthouse, including repair and maintenance of the mechanical

Courthouse, repairs and improvements.

equipment, and for labor and material and every item incident thereto, \$20,000, to be expended under the direction of the Architect of the Capitol.

U. S. Court of Appeals Building, D. C., repairs, etc.

Repairs and improvements, United States Court of Appeals for the District of Columbia: For repairs and improvements to the United States Court of Appeals Building, including repair and maintenance of the mechanical equipment, and for labor and material and every item incident thereto, \$6,000, to be expended under the direction of the Architect of the Capitol.

COURT OF CUSTOMS AND PATENT APPEALS

Salaries.

Salaries: Presiding judge and four associate judges and all other officers and employees of the court, \$105,780.

Contingent expenses.

Contingent expenses: For books and periodicals, including their exchange; stationery, supplies, traveling expenses; drugs, chemicals, cleansers, furniture; and for such other miscellaneous expenses as may be approved by the presiding judge, \$3,000.

Printing and binding.

Printing and binding: For printing and binding, \$6,720.

UNITED STATES CUSTOMS COURT

Salaries.

Salaries: Presiding judge and eight judges; and all other officers and employees of the court, \$234,500.

Contingent expenses.

Contingent expenses: For books and periodicals, including their exchange; stationery, supplies, traveling expenses; and for such other miscellaneous expenses as may be approved by the presiding judge, \$15,000.

Printing and binding.

Printing and binding: For printing and binding, \$1,000.

COURT OF CLAIMS

Salaries.

Salaries: Chief justice and four judges; chief clerk at not exceeding \$6,500; auditor at not exceeding \$5,000; and all other officers and employees of the court, \$131,000.

Contingent expenses.

Contingent expenses: For stationery, court library, repairs, fuel, electric light, and other miscellaneous expenses, \$10,800.

Printing and binding.

Printing and binding: For printing and binding, \$25,200.

Commissioners, salaries and expenses.

Salaries and expenses of commissioners: For salaries of seven regular commissioners, and for traveling expenses, compensation of stenographers authorized by the court, and for stenographic and other fees and charges necessary in the taking of testimony and in the performance of the duties as authorized by the Act entitled "An Act amending section 2 and repealing section 3 of the Act approved February 24, 1925 (28 U. S. C. 269, 270), entitled 'An Act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation', and for other purposes", approved June 23, 1930 (28 U. S. C. 270), \$75,500.

46 Stat. 799.

Repairs, furnishings, etc.

Repairs, furnishings, and so forth: For necessary repairs, furnishings, and improvements to the Court of Claims buildings, to be expended under the supervision of the Architect of the Capitol, \$4,500.

TERRITORIAL COURTS

Hawaii, salaries.

Hawaii: For salaries of the chief justice and two associate justices of the Supreme Court of the Territory of Hawaii, of judges of the circuit courts in Hawaii, and of judges retired under the Act of May 31, 1938, \$103,500.

52 Stat. 591.
48 U. S. C., Supp. V, §§ 634b, 634c.

DISTRICT COURT, PANAMA CANAL ZONE

Salaries.

Salaries: For salaries of the officials and employees of the District Court of the United States for the Panama Canal Zone, \$28,000.

UNITED STATES COURT FOR CHINA

Salaries and expenses: For salaries of the judge and other officers and employees of the United States Court for China; allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a), not to exceed \$1,700 for any one person and in no event to exceed the amount actually and reasonably expended by the recipient of such allowances for living quarters, including heat, fuel, and light; court expenses, including reference and law books, printing and binding, ice and drinking water for office purposes, traveling expenses of officers and employees of the court, and, under such regulations as the Director of the Administrative Office of the United States Courts may prescribe, of their families and effects, in going to and returning from their posts; preparation and transportation of remains of officers and employees who may die abroad or in transit while in the discharge of their official duties to their former homes in the United States, or to a place not more distant for interment and for the ordinary expenses of such interment; including travel expenses of officers and employees of the court and of their dependents, while en route to or from places of temporary refuge in time of war, political disturbance, earthquake, epidemic, or similar emergency and for per diem in lieu of subsistence of such officers, employees, and their dependents, while in a refugee status, \$28,000.

Salaries and expenses.

46 Stat. 818.

Bringing home remains from abroad, etc.

MISCELLANEOUS ITEMS OF EXPENSE

Salaries of judges: For salaries of circuit judges; district judges (including two in the Territory of Hawaii, one in the Territory of Puerto Rico, four in the Territory of Alaska, and one in the Virgin Islands); and judges retired under section 260 of the Judicial Code, as amended, and section 518 of the Tariff Act of 1930; in all, \$3,030,000: *Provided*, That this appropriation shall be available for the salaries of all United States justices and circuit and district judges lawfully entitled thereto, whether active or retired.

Salaries of judges.

Retired judges.
28 U. S. C. § 375.
46 Stat. 737.
19 U. S. C. § 1518.
Proviso.
Availability.

Salaries and expenses, clerks of courts: For salaries of clerks of United States circuit courts of appeals and United States district courts, their deputies, and other assistants, and expenses of conducting their respective offices, \$2,330,000.

Clerks of courts, etc.

Fees of commissioners: For fees of the United States commissioners and other committing magistrates acting under section 1014, Revised Statutes (18 U. S. C. 591), \$290,000.

Commissioners, fees.
Post, p. 646.

Fees of jurors: For mileage and per diems of jurors; meals and lodging for jurors in United States cases when ordered by the court, and meals and lodging for jurors in Alaska, as provided by section 193, title II, of the Act of June 6, 1900 (28 U. S. C. 9, 557-570, 595, 596), and compensation for jury commissioners, \$5 per day, not exceeding three days for any one term of court, \$1,970,000: *Provided*, That the compensation of jury commissioners for the District of Columbia shall conform to the provisions of title 18, chapter 10, section 341, of the Code of the District of Columbia, but such compensation shall not exceed \$250 each per annum.

Jurors; fees, mileage, per diems.
Ante, pp. 61, 68.

31 Stat. 362.
28 U. S. C., Supp. V, §§ 557-569.
Jury commissioners.
Proviso.
Compensation of, for D. C., to conform to D. C. Code.

Miscellaneous salaries: For salaries of all officials and employees of the Federal judiciary, not otherwise specifically provided for, \$885,000: *Provided*, That the maximum salary paid to any secretary or law clerk to any circuit or district judge shall not exceed \$2,500 per annum: *Provided further*, That this limitation shall not operate to reduce the compensation of any secretary now employed: *Provided further*, That none of this fund shall be used for the pay of a law clerk appointed by a district judge unless the senior circuit judge of the circuit (the District of Columbia being considered a

Miscellaneous salaries.
Post, p. 644.

Provisos.
Secretaries or law clerks, salary limitation.
Secretaries now employed.

Appointments, certificates of necessity.

Law clerks, limitation.	circuit) in which the district where the clerk is needed, is situated, shall certify to the necessity of the appointment: <i>Provided further</i> , That not to exceed two law clerks to district judges shall be appointed in any one circuit.
Probation system, U. S. courts.	Probation system, United States courts: For salaries and expenses of probation officers, as authorized by the Act entitled "An Act to amend the Act of March 4, 1925, chapter 521, and for other purposes", approved June 6, 1930 (18 U. S. C. 726), \$810,000: <i>Provided</i> , That the salary of no probation officer shall be less than \$1,800 per annum nor more than \$3,200 per annum: <i>Provided further</i> , That nothing herein contained shall be construed to abridge the right of the district judges to appoint probation officers, or to make such orders as may be necessary to govern probation officers in their own courts: <i>Provided further</i> , That no part of this appropriation shall be used to pay the salary or expenses of any probation officer who, in the judgment of the senior or presiding judge certified to the Attorney General, fails to carry out the official orders of the Attorney General with respect to supervising or furnishing information concerning any prisoner released conditionally or on parole from any Federal penal or correctional institution.
46 Stat. 503. 18 U. S. C., Supp. V, § 726. <i>Provisos.</i> Salaries. Right of district judges to appoint, etc., probation officers.	
Compliance with certain orders of Attorney General.	
Miscellaneous expenses.	Miscellaneous expenses (other than salaries): For such miscellaneous expenses as may be authorized or approved by the Director of the Administrative Office of the United States Courts, for the United States courts and their officers, including rent of rooms for United States courts and judicial officers; supplies and equipment, including the exchange of typewriting and adding machines, for the United States courts and judicial officers, including firearms and ammunition therefor; purchase of law books, including the exchange thereof, for United States judges, and other judicial officers, including the libraries of the United States circuit courts of appeals, and the Federal Reporter and continuations thereto as issued, \$317,000: <i>Provided</i> , That such books shall in all cases be transmitted to their successors in office; all books purchased hereunder to be marked plainly, "The Property of the United States": <i>Provided further</i> , That not to exceed \$2 per volume shall be paid for the current and future volumes of the United States Code, Annotated, and that the reports of the United States Court of Appeals for the District of Columbia shall not be sold for a price exceeding that approved by the court and for not more than \$6.50 per volume.
Law books for judicial officers.	
Federal Reporter. <i>Provisos.</i> Transmittal to successors.	
U. S. Code Annotated, price limitation.	
Traveling expenses.	Traveling expenses: For all necessary traveling expenses, not otherwise provided for, incurred by the Judiciary, including traveling expenses of probation officers and their clerks, \$473,000: <i>Provided</i> , That this sum shall be available, in an amount not to exceed \$4,000, for expenses of attendance at meetings concerned with the work of Federal probation when incurred on the written authorization of the Director of the Administrative Office of the United States Courts: <i>Provided further</i> , That United States probation officers may be allowed, in lieu of actual expenses of transportation, not to exceed 3 cents per mile for the use of their own automobiles for transportation when traveling on official business within the city limits of their official station.
<i>Provisos.</i> Attendance at meetings.	
Mileage for use of personally owned automobiles.	
Printing and binding.	Printing and binding: For printing and binding for the Administrative Office and Courts of the United States, \$83,000.
Definitions.	As used in this Act, the term "circuit court of appeals" includes the United States Court of Appeals for the District of Columbia; the term "senior circuit judge" includes the Chief Justice of the United States Court of Appeals for the District of Columbia; the term "circuit judge" includes associate justice of the United States Court of Appeals for the District of Columbia; and the term "judge" includes justice.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Salaries: For the Director of the Administrative Office of the United States Courts, the Assistant Director, and for other personal services in the District of Columbia and elsewhere, as may be necessary to enable the Director to carry into effect the provisions of the Act entitled "An Act to provide for the administration of the United States Courts, and for other purposes", approved August 7, 1939 (53 Stat. 1223), \$187,500: *Provided*, That in expending appropriations or portions of appropriations contained in the Act for the payment of personal services in the District of Columbia, the Director shall fix compensation according to the Classification Act of 1923, as amended: *Provided further*, That all unexpended appropriations for the support, maintenance, and operation of the Courts specified in section 306 of the Judicial Code for the current fiscal year, and all unexpended appropriations covering judicial personnel as specified in section 304 (1) of the Judicial Code, including appropriations for the salaries of the justices and judges who have retired or who have resigned under the provisions of section 260 of the Judicial Code (28 U. S. C. 375) shall be transferred to the control of the Administrative Office of the United States Courts.

Miscellaneous expenses: For stationery, supplies, materials and equipment, freight, express and drayage charges, washing towels, advertising, purchase of lawbooks and books of reference, periodicals and newspapers, communication service and postage; for the purchase of one motor-propelled delivery truck at not to exceed \$750 for general utility purposes, and for the maintenance, repair and operation of same; for rent in the District of Columbia, and elsewhere; for official traveling expenses and other miscellaneous expenses not otherwise provided for, necessary to effectively carry out the provisions of the Act providing for the administration of the United States Courts, and for other purposes, \$55,000: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service for the Administrative Office of the United States Courts when the aggregate amount involved does not exceed the sum of \$50.

This title may be cited as "The Judiciary Appropriation Act, 1941".

TITLE V—GENERAL PROVISIONS

SEC. 501. The total amount used on an annual basis for administrative within-grade promotions for officers and employees under any appropriation or other fund made available in this Act shall not exceed the amount determined by the Bureau of the Budget to be available for such purpose on the basis of the Budget estimate for such appropriation or fund exclusive of new money in any such Budget estimate for such administrative promotions.

SEC. 502. No part of any appropriation contained in this Act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States, or of any agency the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States unless such officer or employee is a citizen of the United States or a person in the service of the United States on the date of the approval of this Act who being eligible for citizenship has filed a declaration of intention to become a citizen or who owes allegiance to the United States.

SEC. 503. No part of the funds appropriated by titles III and IV for salaries of judges, the Attorney General, Assistant Attorneys General, Solicitor General, district attorneys, marshals, and clerks

Salaries.

28 U. S. C., Supp. V, §§ 444-450.
Provisos.
Personal services.

42 Stat. 1488.
5 U. S. C., §§ 661-674; Supp. V, §§ 673, 673c.
Transfer of appropriations.
28 U. S. C., Supp. V, § 448.
28 U. S. C., Supp. V, § 446.
28 U. S. C., Supp. V, § 375.

Miscellaneous expenses.
Post, p. 647.

Proviso.
Minor purchases.
Post, p. 1109.

Short title.

Administrative promotions, restriction.

Citizenship requirement.

Use of designated funds.

of court shall be used for any other purpose whatsoever, but such salaries shall be allotted out of appropriations herein made for such salaries and retained by the Department or the administrative office of the United States courts and paid to such officials severally, as and when such salaries fall due and without delay.

Senate disapproval
of nominations, effect.

Sec. 504. No part of any appropriation contained in this Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve of the nomination of said person.

Approved, May 14, 1940.

[CHAPTER 190]

AN ACT

May 14, 1940
[S. 1542]
[Public, No. 509]

To authorize the Director of the Geological Survey, under the general supervision of the Secretary of the Interior, to acquire certain collections for the United States.

Geological Survey.
Acquisition of cer-
tain books, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Director of the Geological Survey, under the general supervision of the Secretary of the Interior, is authorized to acquire for the United States, by gift or devise, scientific or technical books, manuscripts, maps, and related materials, and to deposit the same in the library of the Geological Survey for reference and use as authorized by law.

Approved, May 14, 1940.

[CHAPTER 191]

AN ACT

May 14, 1940
[S. 1780]
[Public, No. 510]

To authorize the Secretary of the Interior to acquire property for the Antietam Battlefield site in the State of Maryland, and for other purposes.

Antietam Battle-
field site, Md.
Acquisition of lands,
property, etc., for.

Condemnation pro-
ceedings authorized.
40 U. S. C. §§ 257,
258.

Proviso.
Payment from do-
nated funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, in his discretion, to acquire in behalf of the United States, through donations or by purchase at prices deemed by him reasonable or by condemnation in accordance with the Act of August 1, 1888 (25 Stat. 357), lands, buildings, structures, and other property, or interests therein, which he may determine to be of historical interest in connection with the Antietam Battlefield site, the title to such property or interests to be satisfactory to the Secretary of the Interior: *Provided,* That payment for such property or interests shall be made solely from donated funds. All such property and interests shall be a part of the Antietam Battlefield site and shall be subject to all laws and regulations applicable thereto.

Approved, May 14, 1940.

[CHAPTER 192]

AN ACT

May 14, 1940
[S. 3198]
[Public, No. 511]

To provide allowances for uniforms and equipment for certain officers of the Officers' Reserve Corps of the Army.

Officers' Reserve
Corps, Army.
Allowance for uni-
forms, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That officers of the Officers' Reserve Corps of the Army shall be entitled to an allowance for uniforms and equipment of \$50 per annum upon completion, in

separate fiscal years, of each of their first three periods of active-duty training of three months or less, following their original appointment, during which periods the uniform is required to be worn.

Approved, May 14, 1940.

[CHAPTER 193]

AN ACT

To authorize the Secretary of the Interior to grant a right-of-way to the Highway Commission of the State of Montana.

May 14, 1940
[S. 3262]
[Public, No. 512]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to grant to the Highway Commission of the State of Montana a permanent right to use for highway purposes that part of the property owned by the United States, known as the Bozeman, Montana, fisheries station, in the south half of the northwest quarter of section 34, township 1 south, range 6 east, Montana principal meridian, in Gallatin County, Montana, for which a revocable license, dated December 23, 1938, was granted by the Secretary of Commerce. Such right shall be granted upon condition that a public highway shall be maintained across such property and upon such other conditions as the Secretary of the Interior deems necessary to protect the interests of the United States.

Bozeman, Mont.,
fisheries station.
Use of portion of
property by State of
Montana for highway
purposes.

Conditions.

Approved, May 14, 1940.

[CHAPTER 194]

AN ACT

To amend the National Defense Act of June 3, 1916, as amended, to provide for enlistments in the Army of the United States in time of war, or other emergency declared by Congress, and for other purposes.

May 14, 1940
[S. 3470]
[Public, No. 513]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 127a, added to the National Defense Act of June 3, 1916 (39 Stat. 166), by section 51 of the Act of June 4, 1920 (41 Stat. 785), as amended, be, and the same is hereby, further amended by inserting after the concluding paragraph thereof a new paragraph to read as follows:

"In time of war or other emergency declared by Congress, all enlistments in the active military service of the United States shall be in the Army of the United States without specification of any particular component or unit thereof and shall be for the duration of the war or other emergency plus six months, subject in each case to earlier discharge at the discretion of the President or otherwise according to law. Eligibility for such enlistment shall be limited to persons not less than eighteen years of age and otherwise qualified under such regulations as the Secretary of War shall prescribe. The oath or affirmation of enlistment set forth in Article of War 109 shall be used and may be taken before any officer of the Army of the United States. All persons enlisted at any time in the Army of the United States or any component thereof, as long as they continue in the military service, shall, in time of war or other emergency declared by Congress, be available for assignment to duty with any unit of the Army of the United States and may be freely transferred from one unit to another, regardless of the component status of the units involved."

National Defense
Act, amendment.

Enlistments in time
of war or other emer-
gency.

Duration.

Eligibility.

41 Stat. 809.
10 U. S. C. § 1581.

Assignments and
transfers.

Approved, May 14, 1940.

[CHAPTER 195]

AN ACT

May 14, 1940
[S. 3654]
[Public, No. 514]

To amend section 10, National Defense Act, as amended, with relation to the maximum authorized enlisted strength of the Medical Department of the Regular Army.

National Defense
Act, amendment.
39 Stat. 171.
10 U. S. C. § 81.

Medical Depart-
ment, Army.
Enlisted men, maxi-
mum number.

Proviso.
Additional enlist-
ments; conditions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the National Defense Act, as amended by the Act of June 4, 1920 (41 Stat. 766), be, and the same is hereby, amended so as to provide that hereafter the authorized maximum number of enlisted men of the Medical Department of the Regular Army shall be in each fiscal year such number as shall equal 7 per centum of the average annual pay strength of the active list of the Regular Army and the average strength of all other military personnel on extended active duty with the Regular Army during such fiscal year: *Provided*, That in event of actual or threatened hostilities involving the United States the President may, within the limit of the total authorized strength of the Regular Army, authorize additional enlistments in the Medical Department to such number as he may deem necessary.

Approved, May 14, 1940.

[CHAPTER 196]

AN ACT

May 14, 1940
[S. 3661]
[Public, No. 515]

To amend the Perishable Agricultural Commodities Act, 1930, as amended, and for other purposes.

Perishable Agricul-
tural Commodities
Act, 1930, amendment.
Reparation orders,
proceedings.
7 U. S. C. § 499g (c);
Supp. V, § 499g (c).

Proviso.
Appeal to district
court in certain cases.
7 U. S. C. § 499f (c),
(d).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 7 of the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531), as amended by section 10 of the Act of August 20, 1937 (50 Stat. 725), is hereby amended by striking out the period at the end of the first sentence and by inserting in lieu thereof a colon and the following: "*Provided*, That in cases handled without a hearing in accordance with paragraphs (c) and (d) of section 6 or in which a hearing has been waived by agreement of the parties, appeal shall be to the district court of the United States for the district in which the party complained against is located."

Approved, May 14, 1940.

[CHAPTER 197]

AN ACT

May 14, 1940
[S. 3675]
[Public, No. 516]

To authorize the establishment of boundary lines for the Wilmington National Cemetery, North Carolina.

Wilmington Na-
tional Cemetery, N. C.
Fixing of boundary
lines.

Exchange, etc., of
lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to enter into and execute an agreement or agreements with the owners or claimants of adjoining land to fix and establish the location of the boundary lines of the Wilmington National Cemetery, North Carolina, and he may, if he deems it advisable, give to or receive from such owners or claimants appropriate releases, by way of quitclaim deeds or otherwise.

Approved, May 14, 1940.

[CHAPTER 198]

JOINT RESOLUTION

To provide for participation of the United States in the Golden Gate International Exposition at San Francisco in 1940, to continue the powers and duties of the United States Golden Gate International Exposition Commission, and for other purposes.

May 14, 1940
[S. J. Res. 200]
[Pub. Res., No. 71]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in order that the United States may continue its participation in the Golden Gate International Exposition at San Francisco, California, in 1940, the joint resolution entitled "Joint resolution providing for the participation of the United States in the world's fair to be held by the San Francisco Bay Exposition, Incorporated, in the city of San Francisco during the year 1939, and for other purposes", approved July 9, 1937, as amended by this joint resolution, is extended and made applicable to the continuance of the participation of the United States in such exposition in 1940 in the same manner and to the same extent and for the same purposes as originally provided in such joint resolution of July 9, 1937.

Golden Gate International Exposition.
Participation by U. S. in 1940.

50 Stat. 488.

SEC. 2. Section 6 of such joint resolution of July 9, 1937, is amended by adding at the end thereof the following sentence: "Section 3709 of the Revised Statutes shall not apply to any purchase or service rendered for the Commission when the aggregate amount involved does not exceed \$500."

Expenditure of funds.
Minor purchases.
50 Stat. 490.
41 U. S. C. § 5; Supp. V, § 5.

SEC. 3. The second proviso of the first paragraph of section 7 of such joint resolution of July 9, 1937, is amended to read as follows: "Provided further, That the Commission may, if it deems it desirable and in the public interest, transfer, with or without consideration, the title to the Federal Exhibits Building or Buildings or other Commission-owned property to the city and county of San Francisco or to any Federal, State, or local governmental agency."

Disposal of property, etc.
50 Stat. 492.
Proviso.
Transfer of title to buildings, etc.

SEC. 4. In addition to the sum of \$1,500,000 authorized by such joint resolution of July 9, 1937, to be appropriated for the participation of the United States in the Golden Gate International Exposition and appropriated by the Third Deficiency Appropriation Act, fiscal year 1937, there is hereby authorized to be appropriated the sum of \$200,000 for participation in 1940.

Additional appropriation authorized.

50 Stat. 759.
Post, p. 634.

SEC. 5. The Act entitled "An Act to authorize the United States Golden Gate International Exposition Commission to produce and sell certain articles, and for other purposes", approved June 15, 1938, is hereby extended and made applicable during the participation of the United States in the Golden Gate International Exposition in 1940.

Production and sale of certain articles, authorization extended.
52 Stat. 684.

Approved, May 14, 1940.

[CHAPTER 199]

JOINT RESOLUTION

To amend the joint resolution entitled "Joint resolution authorizing Federal participation in the New York World's Fair, 1939, authorizing an appropriation therefor and for other purposes", approved July 9, 1937, to provide for participation in the New York World's Fair, 1940, to authorize an appropriation therefor, and for other purposes.

May 14, 1940
[S. J. Res. 217]
[Pub. Res., No. 72]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States continue its participation in the New York World's Fair during 1940.

SEC. 2. For this purpose Public Resolution Numbered 53, Seventy-fifth Congress, approved July 9, 1937, as amended, authorizing said participation in the New York World's Fair, 1939, and authorizing

New York World's Fair.
Participation by U. S. in 1940.
Prior public resolution extended.
50 Stat. 493.

an appropriation therefor, and for other purposes, as hereby amended, is extended and made applicable to the continuance of the participation of the United States in the said New York World's Fair, 1940, in the same manner and to the same extent and for the same purposes as originally provided in said Public Resolution Numbered 53.

Additional appro-
priation authorized.
50 Stat. 495.

50 Stat. 759.
Post, p. 634.

SEC. 3. In addition to the sum of \$3,000,000 authorized to be appropriated by the aforesaid Public Resolution Numbered 53 for the participation of the United States in the New York World's Fair, 1939, and appropriated under title I of Public Act Numbered 354, Seventy-fifth Congress, approved August 25, 1937, there is hereby authorized to be appropriated the sum of \$275,000.

Approved, May 14, 1940.

[CHAPTER 200]

JOINT RESOLUTION

To amend section 8 (f) of the Soil Conservation and Domestic Allotment Act, as amended.

May 14, 1940
[H. J. Res. 258]
[Pub. Res., No. 73]

Soil Conservation
and Domestic Allot-
ment Act, amend-
ment.
52 Stat. 35.
16 U. S. C., Supp.
V, § 590h (f).
Change in relation-
ship of landlord and
tenants, etc.

Restriction on in-
crease of payment,
etc., to landlord.

Exception; approval
by local committee.

Review by State
committee.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 (f) of the Soil Conservation and Domestic Allotment Act, as amended, is amended to read as follows:

"(f) Any change in the relationship between the landlord and the tenants or sharecroppers, with respect to any farm, that would increase over the previous year the amount of payments or grants of other aid under subsection (b) that would otherwise be made to any landlord shall not operate to increase such payment or grant to such landlord. Any reduction in the number of tenants below the average number of tenants on any farm during the preceding three years that would increase the payments or grants of other aid under such subsection that would otherwise be made to the landlord shall not hereafter operate to increase any such payment or grant to such landlord. Such limitations shall not apply if on investigation the local committee finds that the change is justified and approves such change in relationship or reduction. Such action of local committees shall be subject to approval or disapproval by State committees."

Approved, May 14, 1940.

[CHAPTER 201]

JOINT RESOLUTION

To suspend section 510 (g) of the Merchant Marine Act, 1936, during the present European war, and for other purposes.

May 14, 1940
[H. J. Res. 519]
[Pub. Res., No. 74]

Merchant Marine
Act, 1936.
53 Stat. 1185.
46 U. S. C., Supp.
V, § 1160 (g).
Suspension of sub-
section; duration.
Ante, p. 4.

Sale or charter of
certain vessels; time
limitation.

Ante, p. 4.
22 U. S. C., Supp.
V, § 2451.
49 Stat. 1985.
46 U. S. C., Supp.
V, §§ 1101-1279.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 510 (g) of the Merchant Marine Act, 1936, as amended (restricting the use of vessels in the laid-up fleet of the Maritime Commission), is hereby suspended until the proclamation issued by the President on November 4, 1939, under section 1 (a) of the Neutrality Act of 1939 is revoked.

SEC. 2. At any time prior to revocation of the proclamation issued by the President on November 4, 1939, under section 1 (a) of the Neutrality Act of 1939, all vessels transferred to the Maritime Commission by the Merchant Marine Act, 1936, or otherwise acquired by the Commission (other than vessels constructed under the Merchant Marine Act, 1936) may, notwithstanding any provision of law con-

trary hereto or inconsistent herewith, be sold or chartered by the Commission, upon competitive bids and after due advertisement, upon such terms and conditions (including with respect to charters the charter period) and subject to such restrictions (including restrictions affecting the use or disposition of the vessel by the purchaser or charterer), as the Commission may deem necessary or desirable for the protection of the public interest.

Approved, May 14, 1940.

[CHAPTER 203]

AN ACT

To amend section 24e, National Defense Act, as amended, so as to add an alternative requirement for appointment in the Dental Corps.

May 15, 1940
[S. 3633]
[Public, No. 517]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the next to the last sentence of section 24e, of the National Defense Act, as amended by section 7 of the Act of April 3, 1939 (Public, Numbered 18, Seventy-sixth Congress), be, and the same is hereby amended to read as follows: "To be eligible for appointment in the Dental Corps, a candidate must be a graduate of a recognized dental college, and have been engaged in the practice of his profession for at least two years subsequent to graduation, or must have, after such graduation, satisfactorily completed a dental internship of not less than one year in a hospital or dispensary."

Approved, May 15, 1940.

National Defense Act, amendment.
41 Stat. 774; 53 Stat. 537.
10 U. S. C. § 123; Supp. V, § 123.
Dental Corps, Army.
Eligibility for appointment.

[CHAPTER 204]

AN ACT

To amend sections 16 and 17 of chapter II of the Act of June 19, 1934, entitled "An Act to regulate the business of life insurance in the District of Columbia."

May 20, 1940
[S. 3251]
[Public, No. 518]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 16 and 17 of chapter II of the Act of June 19, 1934, entitled "An Act to regulate the business of life insurance in the District of Columbia", be amended to read as follows:

"SEC. 16. GENERAL DEPOSIT.—Every company desiring to transact business in the District shall, as a prerequisite to the issuance of a certificate of authority, deposit, as herein provided, approved securities of not less than \$100,000 market value. In the case of domestic companies, such deposit shall be made in the District as prescribed under section 17 of this Act: *Provided*, That the deposit of every domestic company heretofore organized under the provisions of the laws of the District or other Act of Congress may, in the discretion of the superintendent, be limited (1) for stock companies, to an amount equal to the capital stock outstanding at the date of approval of this Act; (2) for nonstock companies, to such amount as in the opinion of the superintendent would be required from stock companies of comparable size. In no case shall the deposit of a domestic company be less than \$25,000 in value. In the case of foreign or alien companies, the deposit may be made as provided under section 17 of this Act, or may be made with the supervising official of any State, Territory, or insular possession of the United States authorized to accept such deposit, which shall be held for the benefit of all policyholders.

Life Insurance Act, D. C., amendments.
48 Stat. 1133.
5 D. C. Code, Supp. V, §§ 217n, 217o.

General deposit by company.

Provido.
Domestic companies heretofore organized.

Minimum deposit.
Foreign or alien companies.

Certificate of deposit, filing.	<p>"In the case of a deposit made with an official outside the District, a certificate of deposit from said official shall be filed with the superintendent, showing the character of the deposit, before a certificate of authority to transact business in the District may be issued, and, if the securities so deposited are not of the class authorized by this Act for investments of companies, the superintendent may require an additional deposit in approved securities.</p> <p>"SEC. 17. HOLDING OF GENERAL DEPOSITS BY DISTRICT AUDITOR AND SECRETARY TO BOARD OF COMMISSIONERS.—When any company is required by this Act to make a deposit in the District, such deposit shall be in securities of the class authorized by this Act for investments of companies, and shall be delivered by the company to the secretary of the Board of Commissioners of the District and the auditor of the District, who shall receive and hold the same subject to the lawful orders of the superintendent, and who shall be responsible for the safekeeping of all securities deposited or delivered under the authority of this section. The company shall have the right to collect the income on deposited securities so long as it continues solvent and complies with the laws of the United States and of the District, and it shall have the right to substitute for such securities other securities, provided such substituted securities are of the character, amount, and value required by this section, and are approved by the superintendent: <i>Provided</i>, That not less than \$25,000 of such deposit shall at all times consist of bonds or other evidences of indebtedness of the United States or of any State of the United States, or of any county or incorporated city of any State of the United States, and that securities of a class different from such bonds or other evidences of indebtedness shall not in any case be accepted for deposit except with the specific approval of and at values determined by the superintendent.</p> <p>"If the value of securities deposited by any company shall decline, the superintendent may require the company to make a further deposit, in order that the amount and value of the deposit required by this Act shall at all times be maintained."</p> <p>Approved, May 20, 1940.</p>
Additional deposit.	
Holding of general deposits.	
Substitution of securities.	
<i>Proviso.</i> Character of portion of deposit.	
Maintenance of value of deposit.	

[CHAPTER 205]

AN ACT

To amend the Mount Rushmore Memorial Act of 1938.

May 22, 1940
[H. R. 8357]
[Public, No. 519]

Mount Rushmore
National Memorial,
S. Dak.
52 Stat. 694.

Area enlarged.
Proviso.
Restrictions on use
of funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Mount Rushmore Memorial Act of 1938, approved June 15, 1938, is amended as follows:

Strike out the words "fifteen hundred acres" and insert in lieu thereof the words "eighteen hundred acres: *Provided*, That while appropriations necessary to complete the Memorial as authorized by law may be made, no part of any funds appropriated to the Rushmore Memorial Commission may be used for the development of the three hundred acres herein proposed to be added to the Memorial Reserve and no part of any funds appropriated under any Act may be used to pay a royalty or percentage to the sculptor for any work other than that necessarily incident to the sculpturing project."

Approved, May 22, 1940.

[CHAPTER 206]

AN ACT

To authorize the purchase of certain lands adjacent to the Turtle Mountain Indian Agency in the State of North Dakota.

May 24, 1940
[S. 1036]
[Public, No. 520]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to purchase privately owned lands and improvements within and adjacent to the Turtle Mountain Reservation, North Dakota, title to be taken in the United States of America in trust for the Indians of the Turtle Mountain Reservation. For the purpose of making the purchases herein authorized, the Secretary of the Interior is hereby authorized to use any available funds heretofore or hereafter appropriated pursuant to the authority contained in section 5 of the Act of June 18, 1934 (48 Stat. 984): *Provided*, That title to the land so purchased may, in the discretion of the Secretary of the Interior, be taken for the surface only: *Provided further*, That lands purchased under this authority shall not be allotted in severalty.

Turtle Mountain
Reservation, N. Dak.
Purchase of lands,
etc., for benefit of In-
dians.

25 U. S. C. § 465.

Proviso.
Title to the land.

No allotments in
severalty.

SEC. 2. For the purpose of this Act, the Indians of the Turtle Mountain Reservation shall include the following: (1) All Indians carried on the official census of the Turtle Mountain Reservation as of the date of this Act; (2) all unenrolled Indians who were members of the band or bands which constituted the Turtle Mountain Tribe prior to October 8, 1904, but who failed to apply for enrollment on the roll closed on that date, and their descendants of one-half or more Indian blood. The roll of Turtle Mountain Indians as defined in this Act shall be prepared under the direction of the Secretary of the Interior and shall be kept current by striking the names of deceased persons and adding the names of Indians of one-fourth or more Indian blood who are descendants of persons enrolled on said roll: *Provided*, That Turtle Mountain Indians domiciled in Canada shall not be included.

Indians of Turtle
Mountain Reserva-
tion.
Persons included,
for purpose of Act.

Proviso.
Persons excluded.

Approved, May 24, 1940.

[CHAPTER 209]

AN ACT

To provide for the appointment of additional district and circuit judges.

May 24, 1940
[H. R. 7079]
[Public, No. 521]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to appoint, by and with the advice and consent of the Senate, three additional circuit judges as follows:

- (a) One for the sixth circuit;
- (b) Two for the eighth circuit.

U. S. courts.
Additional circuit
judges.

SEC. 2. The President is authorized to appoint, by and with the advice and consent of the Senate, eight additional district judges, as follows:

Additional district
judges.

(a) One for each of the following districts: District of New Jersey, western district of Oklahoma, eastern district of Pennsylvania, southern district of New York, northern district of Illinois, and the northern district of Georgia: *Provided*, That the first vacancy occurring in the office of district judge in each of said districts shall not be filled.

Proviso.
Certain vacancies
not to be filled.

Proviso.
Vacancy in north-
ern or southern dis-
trict of Florida.

(b) One, who shall be a district judge for the northern and southern districts of Florida: *Provided, however,* That, whenever a vacancy shall occur in the office of the district judge for the northern or the southern district of Florida, the judge appointed pursuant to the authority granted by this section shall become a district judge for the northern or the southern district of Florida, as the case may be, and thereafter no successor shall be appointed to the vacancy thus occurring in the position created by this section.

District judge, Vir-
gin Islands, salary.

(c) One for the southern district of California.

SEC. 3. After the date of enactment of this Act, the salary of the judge of the District Court of the Virgin Islands of the United States shall be at the rate of \$10,000 a year.

Approved, May 24, 1940.

[CHAPTER 210]

AN ACT

May 24, 1940
[H. R. 8826]
[Public, No. 522]

To authorize an appropriation to assist in defraying the expenses of the American Negro Exposition to be held in Chicago, Illinois, during 1940.

American Negro
Exposition.
Appropriation au-
thorized.
Post, p. 631.

Expenditure by
auxiliary commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated the sum of \$75,000 out of any funds in the United States Treasury not already otherwise appropriated, to assist in defraying the expenses of the American Negro Exposition to be held in Chicago, Illinois, from July 4, 1940, to September 2, 1940, for the purpose of celebrating the seventy-fifth anniversary of the emancipation of the Negro and of showing the progress, advancement, and achievements of the Negro race in the United States during the past seventy-five years. Such sum shall be expended by an auxiliary commission composed of three persons to be appointed by the President of the United States, one of whom shall be a Member of the House of Representatives, one a Member of the United States Senate, and a third to be selected by the President, which auxiliary commission shall work in conjunction with the Afro-Merican Emancipation Exposition Commission appointed by the Governor of the State of Illinois under the direction and supervision of the Governor of the State of Illinois.

Approved, May 24, 1940.

[CHAPTER 211]

AN ACT

May 27, 1940
[S. 2578]
[Public, No. 523]

Henry T. Rainey
Dam.
Lock and dam at
Alton, Ill., designated
as.

To designate the lock and dam at Alton, Illinois, as the Henry T. Rainey Dam.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in honor of the late Henry T. Rainey, former Speaker of the House of Representatives, the navigation lock and dam at Alton, Illinois, otherwise identified as Mississippi River Lock and Dam Numbered 26, shall hereafter be known as the Henry T. Rainey Dam.

Approved, May 27, 1940.

[CHAPTER 212]

AN ACT

To amend the Act approved February 15, 1929, entitled "An Act to permit certain warrant officers to count all active service rendered under temporary appointments as warrant or commissioned officers in the Regular Navy, or as warrant or commissioned officers in the United States Naval Reserve Force, for purpose of promotion to chief warrant rank", so as to permit service in the National Naval Volunteers to be counted for purposes of promotion.

May 27, 1940
[S. 3016]
[Public, No. 524]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of February 15, 1929 (45 Stat. 1180; 34 U. S. C. 331a), is hereby amended to read as follows:

Warrant officers,
Navy.

"That for the purpose of computing the six years' service required for promotion from warrant to chief warrant rank, all active service, for purposes other than training heretofore rendered during the period from April 6, 1917, to December 31, 1921, under a temporary appointment as a warrant or commissioned officer in the United States Navy, or as a warrant or commissioned officer in the United States Naval Reserve Force, or as a warrant or commissioned officer of the National Naval Volunteers shall be counted: *Provided*, That officers who have heretofore been commissioned chief warrant officers shall for all purposes be regarded as having been so commissioned from the date of completion of such six years' service including the service authorized to be counted by this Act: *Provided further*, That no back pay or allowances shall be held to have accrued prior to the passage of this Act."

Service to be
counted for promo-
tion.

Provided,
Dates of commissions
of certain officers.

No back pay, etc.

Approved, May 27, 1940.

[CHAPTER 213]

AN ACT

To amend the Act entitled "An Act to authorize an exchange of lands between the Richmond, Fredericksburg and Potomac Railroad Company and the United States at Quantico, Virginia", approved June 24, 1935 (49 Stat. 395), so as to permit the removal of certain encumbrances on the lands concerned.

May 27, 1940
[S. 3017]
[Public, No. 525]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize an exchange of lands between the Richmond, Fredericksburg and Potomac Railroad Company and the United States at Quantico, Virginia", approved June 24, 1935 (49 Stat. 395), is hereby amended so that the first ten lines of the first section thereof will read as follows:

Quantico, Va.
Exchange of lands
at, amendments.

"That the Secretary of the Navy is authorized on behalf of the United States to accept from the Richmond, Fredericksburg and Potomac Railroad Company, a corporation of the State of Virginia, without cost to the United States, except as hereinafter provided, by an appropriate deed of conveyance, all of the said railroad company's right, title, and interest in and to the following lands, together with all the right, title, and interest of the said railroad company in and to the platted streets and riparian rights in Quantico Creek as may attach to the lots described in subsection (a) :—"

Conveyances by
Richmond, Freder-
icksburg and Potomac
Railroad Co.

SEC. 2. The said Act approved June 24, 1935, is hereby further amended so that the first eight lines of the second section thereof will read as follows:

"In exchange for all of the right, title, and interest of the Richmond, Fredericksburg and Potomac Railroad Company in and to the above-described lands, the Secretary of the Navy is authorized to transfer by appropriate conveyance to the said railroad company, free from all encumbrances, without cost to the said railroad com-

Lands transferred to
railroad company.

pany, all right, title, and interest of the United States in and to the lands contained within the Marine Corps Reservation at Quantico, Virginia, described generally as follows:"

SEC. 3. That the said Act approved June 24, 1935, is hereby further amended by adding the following section thereto:

Acquisition of designated lands; vested rights.

"SEC. 3. The Secretary of the Navy is hereby authorized to acquire on behalf of the United States by purchase, condemnation, or otherwise, at a cost not to exceed \$1,750, such parts of the lands described in section 1 of this Act and such vested rights therein, if any, as may belong to persons other than the Richmond, Fredericksburg and Potomac Railroad Company."

Approved, May 27, 1940.

[CHAPTER 214]

AN ACT

May 27, 1940
[S. 3183]

[Public, No. 526]

To extend the time for completing the construction of a bridge across the Mississippi River at or near La Crosse, Wisconsin.

Mississippi River.
Time extended for
bridging, at La Crosse,
Wis.

49 Stat. 1531; 50 Stat.
94.

Right reserved.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for completing the construction of a bridge across the Mississippi River at or near La Crosse, Wisconsin, authorized to be built by the State of Wisconsin by an Act of Congress approved June 19, 1936, as heretofore extended by an Act of Congress approved April 26, 1937, is further extended for one year, from April 26, 1940.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 27, 1940.

[CHAPTER 215]

AN ACT

May 27, 1940
[S. 3254]

[Public, No. 527]

To extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Friar Point, Mississippi, and Helena, Arkansas.

Mississippi River.
Times extended for
bridging, at Friar
Point, Miss., and
Helena, Ark.

53 Stat. 747.

Right reserved.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Friar Point, Mississippi, and Helena, Arkansas, authorized to be built by the Arkansas-Mississippi Bridge Commission and its successors and assigns by an Act of Congress, approved May 17, 1939, are hereby further extended one and three years, respectively, from the date of approval of this Act.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 27, 1940.

[CHAPTER 216]

AN ACT

May 27, 1940
[S. 3561]

[Public, No. 528]

To extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mauckport, Harrison County, Indiana.

Ohio River.
Times extended for
bridging, at Mauck-
port, Ind.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Ohio River, at or near Mauckport, Harrison County, Indiana, authorized to be built by the Indiana State Toll Bridge Commission,

by an Act of Congress approved August 7, 1939, are hereby extended one and three years, respectively, from August 7, 1940.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 27, 1940.

53 Stat. 1241.

Right reserved.

[CHAPTER 217]

AN ACT

To grant the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Port Allegany, Liberty Township, in the County of McKean, and in the Commonwealth of Pennsylvania.

May 27, 1940
[S. 3570]
[Public, No. 529]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge, and approaches thereto, across the Allegheny River, at a point suitable to the interests of navigation, at or near Port Allegany, Liberty Township, McKean County, in the Commonwealth of Pennsylvania, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Allegheny River.
Consent granted to
bridge, at Port Alle-
gany, Pa.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 27, 1940.

34 Stat. 84.
33 U. S. C. §§ 491-
498.
Right reserved.

[CHAPTER 218]

AN ACT

To grant the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Monongahela River, at a point between the boroughs of Elizabeth, in Elizabeth Township, and West Elizabeth, in Jefferson Township, in the county of Allegheny, and in the Commonwealth of Pennsylvania.

May 27, 1940
[S. 3571]
[Public, No. 530]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge, and approaches thereto, across the Monongahela River, at a point suitable to the interests of navigation, between the boroughs of Elizabeth, in Elizabeth Township, and West Elizabeth, in Jefferson township, in the county of Allegheny, and in the Commonwealth of Pennsylvania, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Monongahela River.
Consent granted to
bridge, at Elizabeth,
Pa.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 27, 1940.

34 Stat. 84.
33 U. S. C. §§ 491-
498.
Right reserved.

[CHAPTER 219]

AN ACT

To make better provision for the teacher of music, the leader of the Military Academy Band.

May 27, 1940
[S. 3575]
[Public, No. 531]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the date of approval of this Act the teacher of music, the leader of the Military Academy Band, shall have the rank of captain of

Military Academy
Band.
Leader, rank, pay,
etc.

Provisos.
Computation of
pay and allowances;
service.

Retirement.

Dependents, pen-
sions, etc.

the United States Army and shall be entitled to receive the pay and allowances of an officer in the third pay period: *Provided*, That in the computation of the pay and allowances of such teacher of music all active service in the Army, including service as teacher of music, shall be counted as if it were commissioned service: *Provided further*, That the said leader of the Military Academy Band shall, at such time as the President in his discretion may direct, be retired as a teacher of music with the rank of captain, and when so retired, shall be entitled to receive the same retirement pay as is now or may hereafter be provided by law or regulation for an officer of the Army in the third pay period with length of service computed as stated above: *And provided further*, That the dependents of said teacher of music shall be entitled to the same pensions, death gratuity, and other benefits as are now or may hereafter be provided for an officer of the Regular Army in the third pay period with the corresponding length of service.

Approved, May 27, 1940.

[CHAPTER 220]

AN ACT

May 28, 1940

[S. 229]

[Public, No. 532]

To authorize the withdrawal of national-forest lands for the protection of watersheds from which water is obtained for municipalities, and for other purposes.

National-forest
lands.
Setting aside, for
municipal water-sup-
ply protection.

Provisos.
Utilization under
Federal reclamation
laws.
Restoration of lands
withdrawn.

Administration.

Rules, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever a municipality obtains its water supply from a national forest and has entered into a cooperative agreement with the Secretary of Agriculture for the protection of the watershed within the national forest from which the water is secured, the President of the United States may, and he is hereby, authorized, upon application by said municipality, and endorsed by the governing board of the county or counties in which the lands concerned are located and approved by the Secretaries of Agriculture and the Interior, to reserve and set aside from all forms of location, entry, or appropriation any national-forest lands, which are covered by such cooperative agreement, subject, however, to valid, existing rights and claims, and such reservation shall remain in force until revoked by the President or by an Act of Congress: *Provided*, That nothing herein shall affect the power of the Secretary of the Interior to withdraw and utilize withdrawn lands under the Federal reclamation laws: *And provided further*, That the President, upon recommendation of the Secretaries of the Interior and Agriculture, may, by Executive order, when in his judgment the public interest would best be served thereby and after reasonable notice has been given through the Department of the Interior, restore any of the lands so withdrawn to appropriation under an applicable public-land law.

SEC. 2. Lands withdrawn under the provisions of this Act shall be administered by the Secretary of Agriculture under such agreements for the protection of the watershed as he may make with the municipality concerned, and the Secretary of Agriculture is hereby authorized, in addition to the rules and regulations adopted for the administration of the national forests, to adopt and prescribe such further rules and regulations as he considers necessary to effect the adequate protection of the watershed, including a rule or regulation forbidding persons other than forest officers and representatives of the municipality from going on the lands so reserved or making any use whatever thereof.

SEC. 3. Whenever national-forest lands are withdrawn under this Act, and the municipality concerned objects to the utilization of the timber or other resources of lands withdrawn, and the Secretary of Agriculture agrees to withhold such resources from utilization, said municipality shall pay to the Forest Service annually an amount which the Secretary of Agriculture shall determine is necessary to reimburse the United States for the loss of net annual revenues which would be derived from the resources so withheld from disposition.

Reimbursement to Forest Service for loss of revenues.

SEC. 4. Any violation of the regulations issued under this Act shall be punished as is provided in section 50 of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States", approved March 4, 1909 (35 Stat. L. 1098).

Penalty.

18 U. S. C. § 104.

Approved, May 28, 1940.

[CHAPTER 221]

AN ACT

Authorizing the Secretary of War to convey to the Port of Cascade Locks, Oregon, certain lands for municipal purposes.

May 28, 1940

[S. 255]

[Public, No. 533]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is authorized and directed to convey, by quitclaim deed, upon the payment to the United States of not less than 50 per centum of the current appraised value thereof to the Port of Cascade Locks, Oregon, all right, title, and interest of the United States in and to the following-described lands: Commencing at a point, not monumented, on left bank of Columbia River, one thousand two hundred and six and three-tenths feet north from center of section 12, township 2 north, range 7 east, of the Willamette meridian in Hood River County in the State of Oregon, this point being on the southerly boundary line of the R. G. Atwell, D. L. C.; thence from said initial point by metes and bounds east one hundred and twenty-five feet to a point; south two hundred and three and five-tenths feet to an eight-inch by eight-inch stone with iron plug marked "U. S."; south forty-one degrees fifteen minutes west five hundred and seventy-eight and six-tenths feet; south twenty-nine degrees thirty minutes east sixty feet; south twenty-nine degrees forty-five minutes west seventy-five feet; south twenty-nine degrees thirteen minutes west fifty-eight and fifty-one one-hundredths feet; south forty degrees no minutes west one hundred and thirty-five and five-tenths feet; south thirty-seven degrees thirty minutes west one hundred feet; south thirty-six degrees twenty minutes west one hundred feet; south thirty-four degrees fifteen minutes west one hundred and one feet; south thirty-one degrees fifty minutes west one hundred feet; south thirty degrees twenty minutes west one hundred feet; south thirty degrees ten minutes west one thousand five hundred and ninety and one-tenth feet; north fifty-nine degrees fifty minutes west two hundred feet; north forty-seven degrees fifteen minutes west nine hundred and fifty feet; north twenty-eight degrees no minutes east two hundred and eighty-six and forty-four one-hundredths feet; north eleven degrees no minutes west three hundred and forty-three and two-tenths feet; north forty-six degrees no minutes east one thousand one hundred and seventy-one and five-tenths feet; north eighty-eight degrees no minutes east seven hundred and twenty-six feet; north forty-nine degrees no minutes east nine hundred and seven and sixteen one-hundredths feet; south fifty-five and four-tenths feet to the point of beginning, which is on the southerly boundary of the R. G. Atwell, D. L. C.

Port of Cascade Locks, Oreg.
Conveyance of lands to.

Description.

Conveyance of
buildings, fixtures,
etc.

SEC. 2. The Secretary of War is further authorized and directed to convey to the Port of Cascade Locks, Oregon, in addition to the lands described in the first section of this Act, all right, title, and interest of the United States in and to the following: All buildings and permanent fixtures, and any material, supplies, and sundry equipment abandoned by the War Department on such lands, together with the water systems, water mains, distribution lines, and water rights located on or connected with such lands.

Purposes of grant.

SEC. 3. The lands and other property authorized to be conveyed by this Act shall be used by the grantee for a municipal park and dock. The deed executed by the Secretary shall contain the express condition that if the grantee shall cease to use such land for such purposes, or shall alienate or attempt to alienate such lands, title thereto shall revert to the United States.

Reversionary pro-
vision.

Approved, May 28, 1940.

[CHAPTER 222]

AN ACT

May 28, 1940
[S. 2980]
[Public, No. 534]

Providing for the sale of certain lands to the Arizona State Elks Association Hospital.

Arizona State Elks
Association Hospital.
Executive orders
modified to permit
sale of lands to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Executive Order Numbered 2295 and dated January 1, 1916, as modified by the Executive Order Numbered 6971 and dated February 19, 1935, is hereby further modified by the elimination from the provisions of said Executive order as modified of a certain tract of land particularly described as follows, to wit: The north two hundred feet north-west quarter northwest quarter section 10, township 14 south, range 13 east, Gila and Salt River base and meridian; in all, an area approximately two hundred feet wide by approximately one thousand three hundred and fifteen and twenty-eight one-hundredths feet long.

Payment; issue of
patent.

SEC. 2. Upon payment to the Treasurer of the United States by the Arizona State Elks Association Hospital of the sum of \$150, being the appraised value of the lands described in section 1 hereof, the Secretary of the Interior is authorized and directed to issue patent covering said lands to the Arizona State Elks Association Hospital.

Approved, May 28, 1940.

[CHAPTER 223]

AN ACT

May 28, 1940
[S. 2999]
[Public, No. 535]

To legalize a bridge across Bayou Lafourche at Galiano, Louisiana.

Bayou Lafourche,
La.
Approval of plans,
etc., of bridge at
Galiano, La., author-
ized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chief of Engineers and the Secretary of War are hereby authorized to approve the location and plans of a pontoon bridge already constructed by John L. Guidry across Bayou Lafourche at Galiano, Louisiana: *Provided,* That said bridge has been authorized by the Legislature of the State of Louisiana and as located and constructed affords reasonably free, easy, and unobstructed navigation.

Proriso.
State authorization;
location, etc.

SEC. 2. That when the location and plans of said bridge have been approved as provided in section 1 of this Act, said bridge shall be deemed a lawful structure and subject to the laws enacted by Congress for the protection and preservation of the navigable waters of the United States.

Deeming bridge law-
ful structure, condi-
tion.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Right reserved.

Approved, May 28, 1940.

[CHAPTER 224]

AN ACT

To authorize the granting of a right-of-way for roadway purposes on the Fort Thomas Military Reservation, Kentucky, in exchange for the release of property rights in and to a certain road on said reservation.

May 28, 1940
[S. 3402]
[Public, No. 536]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized, under such terms and conditions as may be deemed advisable by him, to grant to Minnie Halle Kramer, widow of Simon Pendleton Kramer, her heirs and assigns, an easement for a right-of-way for roadway purposes in a certain road as now located on the Fort Thomas Military Reservation, Kentucky, extending from south Fort Thomas Avenue on the westerly boundary of said reservation to lands of the said Minnie Halle Kramer adjacent to the easterly boundary of said reservation, in exchange for the release to the United States of the property rights of the said Minnie Halle Kramer, her heirs and assigns, in a certain road, or such portion thereof as may be designated by the Secretary of War, located on said reservation as described in and reserved in a certain deed of A. H. Bloom, dated August 27, 1887, conveying to the United States part of the lands comprising the Fort Thomas Military Reservation, Kentucky.

Fort Thomas Military Reservation, Ky.
Grant of easement for right-of-way.

Release of property rights in exchange.

Approved, May 28, 1940.

[CHAPTER 225]

AN ACT

To increase the number of brigadier generals of the line of the Regular Army by four.

May 28, 1940
[S. 3423]
[Public, No. 537]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the number of brigadier generals of the line of the Regular Army is hereby increased from forty-six to fifty, and hereafter upon the appointment of an officer below the rank of brigadier general to be chief of Infantry, Cavalry, Field Artillery, or Coast Artillery, he shall at the same time be appointed to be a permanent brigadier general of the line and an increase in the number of brigadier generals for this purpose is hereby authorized: *Provided*, That no further appointments to the grade of brigadier general of the line shall thereafter be made until the total number thereof shall be less than fifty: *Provided further*, That the selection of chief of branch shall not be limited to the list of brigadier generals.

Brigadier generals, Regular Army.
Increase in number.
Chiefs of branches.

Provided, Further appointments.

Selection of chief of branch.

Approved, May 28, 1940.

[CHAPTER 226]

AN ACT

To provide for a more permanent tenure for persons carrying the mail on star routes.

May 31, 1940
[S. 1214]
[Public, No. 538]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3951 of the Revised Statutes, as amended (U. S. C., 1934 edition, title 39, sec. 434), is hereby amended by the addition of the following:

Postal Service.
Contracts for carrying mails.

"The Postmaster General may, in his discretion and under such regulations as he may prescribe, allow additional compensation to a star-route contractor for necessary increased travel caused by obstruction of roads, destruction of bridges, discontinuance of ferries, or any other cause occurring during the contract term, but such additional compensation allowed shall not be proportionately greater

Star-route contractor, additional pay for increased travel.

Proviso.
Nonapplication of
designated law.

than the rate established by the contract involved: *Provided*, That the provisions of section 3960 of the Revised Statutes (U. S. C., title 39, sec. 440) that no compensation shall be paid for additional service in carrying the mail until such additional service is ordered, the sum to be allowed therefor to be expressed in the order and entered upon the books of the department, and that no compensation shall be paid for any additional regular service rendered before the issuing of such order, shall not apply to any service authorized under this paragraph.

New awards, to re-
lease contractors, etc.

Conditions specified.

"The Postmaster General may, in his discretion and in the interest of the Postal Service, readvertise and award new contracts for the purpose of releasing contractors and their sureties under the following conditions: (a) Where a change is ordered in the Service involving a material increase or decrease in the amount of service required to such extent as to impose undue hardship on the contractor; (b) where an abnormal or sustained increase in the quantity of mail develops during a contract period or after a bid has been submitted, necessitating larger capacity equipment to maintain the service; (c) where a change in schedule is ordered that will necessitate the contractor being away from the initial terminal an excessively longer or an excessively shorter period than was required in the advertised schedule; (d) where it is found after full investigation that the compensation of such contractors is wholly inadequate and that the continuation of the contract would impose undue hardship upon the contractor: *Provided*, That provision (d) shall be effective only upon the giving by the contractor of ninety days' advance notice of his desire to be released: *Provided further*, That such contractor shall waive the one month's extra pay authorized by law where contracts are canceled under section (d)."

Provisos.
Advance notice by
contractor.
Waiver of extra pay.

Contracts for addi-
tional mail service.

SEC. 2. Section 1 of the Act of July 26, 1892 (27 Stat. 268; title 39, sec. 422, U. S. C.), is amended to read as follows:

"After providing by general advertisement for the transportation of the mails in any State or Territory as authorized by law, the Postmaster General may secure any mail service that may become necessary before the next general advertisement for said State or Territory by posting notices, for a period of not less than ten days, in the post offices at the termini of any route to be let, and upon a bulletin board in the Post Office Department, inviting proposals in such form and with such guaranty as may be prescribed by the Postmaster General, for the performance of the proposed service. The contract for such service shall be made to run to the end of the contract term under the general advertisement, shall be made with the lowest responsible bidder whose proposal is in due form, and who, under the law, is eligible as a bidder for such postal service."

Letting to lowest
responsible bidder.

SEC. 3. Section 3949 of the Revised Statutes, as amended (title 39, sec. 429, U. S. C.), is amended to read as follows:

Award of contracts
to lowest responsible
bidder, etc.

"All contracts for carrying the mail shall be in the name of the United States and shall be awarded to the lowest responsible bidder tendering sufficient guaranties for faithful performance in accordance with the terms of the advertisement. Such contracts shall require due celerity, certainty, and security in the performance of the service; but the Postmaster General shall not be bound to consider the bid of any person who has willfully or negligently failed to perform a former contract."

Star Route Service.
Residence of bidders.

No proposal for a contract for Star Route Service shall be considered unless the bidder is a legal resident of the county or counties traversed by the roads over which the mails are to be carried, or a legal resident within the counties adjoining such county or coun-

ties; except that proposals for carrying the mail tendered by firms, companies, or corporations shall be considered: *Provided*, That such firms, companies, or corporations are actually engaged in business within the counties in which individuals are herein restricted as to residence: *And provided further*, That the term "county", as used herein, shall include parish or other similar primary subdivision of a State.

Approved, May 31, 1940.

Provisos.
Companies, etc.

"County"; parish,
etc., included.

[CHAPTER 227]

AN ACT

Authorizing the continuance of the Prison Industries Reorganization Administration, established by Executive Order Numbered 7194 of September 26, 1935, to June 30, 1941.

May 31, 1940
[S. 2303]
[Public, No. 539]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duties and functions of the Prison Industries Reorganization Administration, established by Executive Order Numbered 7194 of September 26, 1935, are hereby continued until June 30, 1941.

Prison Industries
Reorganization Ad-
ministration.
Continuance until
June 30, 1941.

SEC. 2. There is hereby authorized to be appropriated for the administrative expenses of the Administration an amount of \$50,000 for the fiscal year 1941.

Appropriation au-
thorized.

Approved, May 31, 1940.

[CHAPTER 228]

AN ACT

To amend section 5 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1925 (43 Stat. 1190; 34 U. S. C. 893), so as to authorize the payment of a per diem in connection with naval aerial surveys and flight checking of aviation charts.

May 31, 1940
[S. 3013]
[Public, No. 540]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 5 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1925 (43 Stat. 1190; 34 U. S. C. 893), is hereby amended to read as follows:

Aerial surveys by
Army, Navy, and
Marine Corps per-
sonnel.
10 U. S. C. § 306.

"Sec. 5. To cover actual additional expenses to which flyers are subjected when making aerial surveys, hereafter a per diem of \$7 in lieu of other travel allowances shall be paid to officers, warrant officers, and enlisted men of the Army, Navy, and Marine Corps for the actual time consumed while traveling by air, under competent orders, in connection with naval aerial surveys and flight checking of Hydrographic Office aviation charts, and aerial surveys of rivers and harbors or other governmental projects, and a per diem of \$6 for the actual time consumed in making such aerial surveys, or flight checking of Hydrographic Office aviation charts. The per diem authorized in connection with naval aerial surveys and flight checking of Hydrographic Office aviation charts shall be paid from the appropriation 'Pay, subsistence, and transportation of naval personnel'. The per diem authorized in connection with aerial surveys of rivers and harbors or other governmental projects shall be paid from appropriations available for the particular improvement or project for which the survey is being made: *Provided*, That not more than one of the per diem allowances authorized in this section shall be paid for any one day: *And provided further*, That Naval and

Per diem for actual
additional expenses.

Per diem for actual
time consumed.

Payment.

Provisos.
Allowance limited.
Restriction.

Marine Corps personnel shall not be entitled to the allowances authorized by this section when naval tender facilities or the equivalent thereof are available while traveling by air or in the area where the naval survey or flight checking duties are performed."

Approved, May 31, 1940.

[CHAPTER 229]

AN ACT

June 3, 1940

[H. R. 7513]

[Public, No. 541]

To authorize the Secretary of the Navy to accept real estate granted to the United States by the city of Miami, Florida, and for other purposes.

Miami, Fla.
Acceptance of cer-
tain real estate in,
authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized and directed to accept on behalf of the United States the real estate granted to the United States by the city of Miami, Florida, in manner provided by and in accordance with provisions of resolution numbered 15635 adopted by the Commission of the City of Miami, Florida, on September 20, 1939, as amended by resolution numbered 16087 adopted by the Commission of the City of Miami, Florida, on April 5, 1940.

Approved, June 3, 1940.

[CHAPTER 230]

AN ACT

June 3, 1940

[H. R. 9140]

[Public, No. 542]

To authorize the Secretary of the Navy to acquire land at Key West, Florida.

Naval Air Station,
Key West, Fla.
Acquisition of cer-
tain land for.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized and directed to acquire, by purchase or condemnation, sixty-two acres of land, more or less, in the city of Key West, Florida, fronting on Palm Avenue on the south and the Gulf of Mexico on the north, having a frontage on Palm Avenue of approximately one thousand seven hundred and ninety and eighty-three hundredths feet and being approximately one thousand five hundred and twenty-five and fifty-five hundredths feet deep, for the development and expansion of the Naval Air Station, Key West, Florida.

Appropriation au-
thorized.
Post, p. 880.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum not to exceed \$125,000 to effectuate the purposes of this Act.

Approved, June 3, 1940.

[CHAPTER 231]

JOINT RESOLUTION

June 4, 1940

[H. J. Res. 551]

[Pub. Res., No. 75]

Providing for the taking effect of Reorganization Plan Numbered V.

Reorganization
Plan Numbered V,
effective date.
Post, p. 1238.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of Reorganization Plan Numbered V, submitted to the Congress on May 22, 1940, shall take effect on the tenth day after the date of enactment of this joint resolution, notwithstanding the provisions of the Reorganization Act of 1939.

53 Stat. 562.
5 U. S. C., Supp. V,
§ 133d.

Continuation of
agency or function.

SEC. 2. Nothing in such plan or this joint resolution shall be construed as having the effect of continuing any agency or function beyond the time when it would have terminated without regard to such plan or this joint resolution or of continuing any function beyond the time when the agency in which it was vested would have terminated without regard to such plan or this joint resolution.

SEC. 3. Any appropriation for the fiscal year ending June 30, 1941, made after the taking effect of such reorganization plan, for the use of the Immigration and Naturalization Service or the Department of Labor in the exercise of functions transferred by such plan, shall, for the purposes of section 3 of such plan, be considered as having been made prior to the taking effect of such plan. Any provision, in any Act of Congress enacted at the third session of the Seventy-sixth Congress, after the taking effect of such plan, which confers upon the Secretary of Labor any function with respect to the Immigration and Naturalization Service or with respect to the immigration and naturalization laws, shall be construed as having conferred such function upon the Attorney General and not upon the Secretary of Labor.

Immigration and Naturalization Service, etc.
Certain appropriations deemed made prior to effective date.

Certain functions deemed conferred on Attorney General.

SEC. 4. The provisions of Reorganization Plan Numbered III, submitted to the Congress on April 2, 1940, and the provisions of Reorganization Plan Numbered IV, submitted to the Congress on April 11, 1940, shall take effect on June 30, 1940, notwithstanding the provisions of the Reorganization Act of 1939.

Reorganization Plans Numbered III and IV, effective dates.
Post, pp. 1231, 1234.

Approved, June 4, 1940.

[CHAPTER 232]

AN ACT

To prohibit the exportation of tobacco seed and plants, except for experimental purposes.

June 5, 1940
[S. 3530]
[Public, No. 543]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful to export any tobacco seed and/or live tobacco plants from the United States or any Territory subject to the jurisdiction thereof, to any foreign country, port, or place, unless such exportation and/or transportation is in pursuance of a written permit granted by the Secretary of Agriculture. Such permit shall be granted by the Secretary only upon application therefor and after proof satisfactory to him that such seed or plants are to be used for experimental purposes only.

Tobacco seed and plants.
Exportation prohibited; exception.

SEC. 2. Any persons violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

Penalty.

[Received by the President, May 23, 1940.]

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

[CHAPTER 236]

JOINT RESOLUTION

Authorizing the President of the United States of America to proclaim October 11, 1940, General Pulaski's Memorial Day for the observance and commemoration of the death of Brigadier General Casimir Pulaski.

June 6, 1940
[H. J. Res. 400]
[Pub. Res., No. 76]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States of America is authorized to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11, 1940, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies in commemoration of the death of General Casimir Pulaski.

General Pulaski's Memorial Day.
President authorized to invite observance.

Approved, June 6, 1940.

[CHAPTER 237]

AN ACT

To amend section 335 (d) of the Agricultural Adjustment Act of 1938.

June 6, 1940
[H. R. 3955]
[Public, No. 544]

Agricultural Ad-
justment Act of 1938,
amendment.
Wheat, farm mar-
keting quota.
52 Stat. 55.
7 U. S. C., Supp. V,
§ 1335(d).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 335 (d) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the words "one hundred" and inserting in lieu thereof the words "two hundred".

Approved, June 6, 1940.

[CHAPTER 238]

AN ACT

Authorizing the conveyance to the Commonwealth of Virginia a portion of the naval reservation known as Quantico in Prince William County, Virginia.

June 6, 1940
[H. R. 4229]
[Public, No. 545]

Virginia.
Conveyance of por-
tion of Quantico
Naval Reservation to,
authorized.

Proviso.
Deviations in de-
scription authorized.

Effective date.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized and empowered in the name and on behalf of the United States of America to convey to the Commonwealth of Virginia, upon such terms and conditions as he may prescribe, all right, title, and interest of the United States of America in and to that portion of the Quantico Naval Reservation, Prince William County, Virginia, upon which the State of Virginia has been granted permission to construct and maintain a State highway designated as Route Numbered 1 by an instrument dated February 10, 1933: *Provided,* That the Secretary of the Navy is authorized to make such deviations in the description of the land involved as may be necessary to carry out the purposes and intent of this Act.

SEC. 2. This Act shall be in force from the date of its passage.

Approved, June 6, 1940.

[CHAPTER 239]

AN ACT

To incorporate the Navy Club of the United States of America.

June 6, 1940
[H. R. 5880]
[Public, No. 546]

Navy Club of the
United States of
America, incorpora-
tion.

Purposes of corpora-
tion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Sigfred A. Sandeen, national commandant; Ernest C. Fiedler, national senior executive officer; Thomas D. Hickey, national junior executive officer; Forest F. Bodiker, national paymaster; V. Homer Peabody, national chaplain; Mason C. Martin, national historian; and John F. McCullough, medical doctor, national medical officer, are hereby created a body corporate of the name, "Navy Club of the United States of America".

SEC. 2. That the purposes of this corporation shall be (a) to further, encourage, promote, and maintain comradeship among those persons who are or have been in the active service of the United States Navy, the United States Marine Corps, or the United States Coast Guard; (b) to revere, honor, and perpetuate the memory of those persons who have been such members and have departed this life; (c) to promote and encourage further public interest in the United States Navy, the United States Marine Corps, and the United States Coast Guard and the history of said organizations; (d) to uphold the spirit and ideals of the United States Navy, the United States Marine Corps, and the United States Coast Guard; (e) to promote the ideals of American freedom and democracy and to fit its

members for the duties of citizenship and to encourage them to serve as ably as citizen as they have served the Nation under arms; and (f) to maintain true allegiance to American institutions.

SEC. 3. That the corporation (a) shall have perpetual succession; (b) may charge and collect membership dues and receive contributions of money or property to be devoted to carrying out the purposes of the organization; (c) may sue or be sued; (d) may adopt a corporate seal and alter it at pleasure; (e) may adopt and alter bylaws not inconsistent with the Constitution and laws of the United States or of any State; (f) may establish and maintain offices for the conduct of its business; (g) may appoint or elect officers and agents; (h) may choose a board of trustees, consisting of not more than fifteen persons nor less than five persons, to conduct the business and exercise the powers of the corporation; (i) may acquire, by purchase, devise, bequest, gift, or otherwise, and hold, encumber, convey, or otherwise dispose of such real and personal property as may be necessary or appropriate for its corporate purposes; and (j) generally may do any and all lawful acts necessary or appropriate to carry out the purposes for which the corporation is created.

Corporate powers,
etc.

SEC. 4. That the corporation shall, on or before the 1st day of December in each year, transmit to Congress a report of its proceedings and activities for the preceding calendar year, including the full and complete statement of its receipts and expenditures. Such reports shall not be printed as public documents.

Report to Congress.

SEC. 5. That the right to alter, amend, or repeal this Act at any time is hereby expressly reserved.

Amendment, etc.

Approved, June 6, 1940.

[CHAPTER 240]

AN ACT

To authorize the conveyance of the United States Fish Hatchery property at Put in Bay, Ohio, to the State of Ohio.

June 6, 1940
[H. R. 6481]
[Public, No. 547]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to convey at any time within three years of the effective date of this Act to the State of Ohio, for the use of the Ohio State University in its research program, what is known as the United States Fish Hatchery property at Put in Bay, in Ottawa County, Ohio, consisting of one and sixty-nine one hundredths acres, more or less, of land, together with the improvements thereon, said hatchery being no longer maintained and operated by the United States Bureau of Fisheries.

Ohio.
Conveyance of cer-
tain land to, for use of
Ohio State Univer-
sity.

SEC. 2. Such conveyance shall contain the express condition that if the State of Ohio shall at any time cease to use the property as above-prescribed, or shall alienate or attempt to alienate such property, or shall fail to perform any contract entered into with the United States for the transfer of the property, title thereto shall revert to the United States for the use of the Department of the Interior, or other agencies of the United States, or for disposal under the Act of August 27, 1935 (49 Stat. 885; U. S. C., 1934 edition, title 40, sec. 304a), or under the Act of August 26, 1935 (49 Stat. 800; U. S. C., 1934 edition, title 40, sec. 345b).

Reversionary pro-
vision.

40 U. S. C., Supp.
V, §§ 304a, 345b.

Approved, June 6, 1940.

[CHAPTER 241]

AN ACT

To amend section 289 of the Criminal Code.

June 6, 1940
[H. R. 7018]
[Public, No. 548]

Criminal Code,
amendment.
18 U. S. C., Supp.
V, § 468.

Certain offenses
committed on Federal
reservations.
Applicability of
State, etc., laws.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 289 of the Criminal Code (U. S. C., title 18, sec. 468) be, and it is hereby, amended to read as follows:

“SEC. 289. Whoever, within the territorial limits of any State, organized Territory, or district, but within or upon any of the places now existing or hereafter reserved or acquired, described in section 272 of the Criminal Code (U. S. C., title 18, sec. 451), shall do or omit the doing of any act or thing which is not made penal by any laws of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or district in which such place is situated, by the laws thereof in force on February 1, 1940, and remaining in force at the time of the doing or omitting the doing of such act or thing, would be penal, shall be deemed guilty of a like offense and be subject to a like punishment.”

Approved, June 6, 1940.

[CHAPTER 242]

AN ACT

To amend section 2 of the Act of March 4, 1931 (46 Stat. 1528), in regard to service of process on the United States in foreclosure actions.

June 6, 1940
[H. R. 7020]
[Public, No. 549]

Foreclosure actions,
service of process upon
U. S.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of March 4, 1931 (46 Stat. 1528; U. S. C., title 28, sec. 902), be amended to read as follows:

“Service upon the United States shall be made by serving the process of the court with a copy of the bill of complaint upon the United States attorney for the district or division in which the suit has been or may be brought, or upon an assistant United States attorney or a clerical employee designated by the United States attorney in a writing filed with the clerk of the court in which suit is brought, and by sending copies of the process and bill, by registered mail, to the Attorney General of the United States at Washington, District of Columbia. The United States shall have sixty days after service as above provided, or such further time as the court may allow, within which to appear and answer, plead, or demur.”

Approved, June 6, 1940.

[CHAPTER 243]

AN ACT

To authorize the acquisition by the United States of lands in Manchester and Jackson Townships of the county of Ocean and State of New Jersey for use in connection with the Naval Air station, Lakehurst, New Jersey.

June 6, 1940
[H. R. 7078]
[Public, No. 550]

Naval Air Station,
Lakehurst, N. J., ac-
quisition of certain
land for, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to acquire, by purchase, gift, or otherwise, for use in connection with the Naval Air Station, Lakehurst, New Jersey, title in fee simple and clear of all encumbrances at a total cost not to exceed \$1,500, to two parcels of land of approximately nine hundred and twenty-eight acres situated in Manchester and Jackson Townships, Ocean County, New Jersey.

Approved, June 6, 1940.

[CHAPTER 244]

AN ACT

To amend the Act entitled "An Act to regulate proceedings in adoption in the District of Columbia", approved August 25, 1937.

June 6, 1940
[H. R. 7084]
[Public, No. 551]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act entitled "An Act to regulate proceedings in adoption in the District of Columbia" be amended by adding thereto the following new sentence: "If the birth occurred outside of the District of Columbia, the clerk of the court shall, upon petition by the adopter, furnish him with a certified copy of the final decree of adoption."

Approved, June 6, 1940.

District of Columbia.
Final decree of adoption.
50 Stat. 807.
15 D. C. Code,
Supp. V, § 1d.

[CHAPTER 245]

AN ACT

Authorizing the Bradenton Company, its successors and assigns, to construct, maintain, and operate a toll bridge across Sarasota Pass, and across Longboat Pass, county of Manatee, State of Florida.

June 6, 1940
[H. R. 7615]
[Public, No. 552]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Bradenton Company, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Sarasota Pass, and across Longboat Pass, connecting up the south end of Anna Maria Key with the north end of Longboat Key, at a point suitable to the interests of navigation, in the county of Manatee, State of Florida, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Sarasota Pass and Longboat Pass, Fla.
Bridge authorized across.

SEC. 2. There is hereby conferred upon the Bradenton Company, its successors and assigns, all rights and powers to enter upon lands and to acquire, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches.

34 Stat. 54.
33 U. S. C. §§ 491-498.

Right to acquire real estate, etc.

SEC. 3. The said Bradenton Company, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Toll charges.

SEC. 4. After the completion of said bridge, as determined by the Secretary of War, either the State of Florida, any public agency, or political subdivision thereof, within or adjoining which any part of the bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of twenty years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring

Acquisition of bridge by State, etc., after completion.

After expiration of twenty years after completion.

Tolls.	such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per centum of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.
Application of, to operation, sinking fund, etc.	<p>SEC. 5. If such bridge shall be taken over or acquired by the State or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this Act, and if tolls are thereafter charged for the use thereof, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, or to amortize the bonds or other securities issued for that purpose with reasonable financing costs, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.</p>
Maintenance as free bridge after amortizing costs, etc.	
Record of expenditures and receipts.	
Transfer of title to State after 25 years, if costs, etc., are amortized.	<p>SEC. 6. At any time after twenty-five years from the date such bridge shall have been completed, if the tolls from such bridge have produced sufficient revenue to amortize the bonds and other securities issued in connection with the construction and maintenance of such bridge and its approaches with reasonable interest and financing costs, and if such bridge shall not have been taken over or acquired by the State of Florida or by any political subdivision or public agency thereof under section 4 of this Act, then all the right, title, and interest of the said Bradenton Company, its successors and assigns, in such bridge and its approaches, and any interest in real estate necessary therefor, shall be turned over to the State of Florida, upon proper demand. Such bridge shall thereafter be maintained and operated by the State of Florida or by any political subdivision or public agency thereof free of tolls.</p>
Maintenance as free bridge.	
Statement of actual costs, etc., filing.	<p>SEC. 7. The Bradenton Company, its successors and assigns, shall within ninety days after the completion of such bridge file with the Secretary of War and with the highway department of such State a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of such State shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the cost alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Bradenton Company, its successors and assigns, shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this Act, subject only to review in a court of equity for fraud or gross mistake.</p>
Investigation of costs within three-year period.	
Availability of records.	
Secretary's findings conclusive; exception.	
Right to transfer, etc., rights, powers, and privileges.	<p>SEC. 8. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act prior to acquisition of such rights, powers, and privileges by the State of Florida or</p>

by any political subdivision or public agency thereof pursuant to section 4 or section 6 of this Act is hereby granted to the Bradenton Company, its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 9. The Bradenton Company shall furnish the Secretary of War with a certified copy of its charter and any amendments thereto evidencing proof that it is a corporation organized, among other things, for the promotion and organization of toll bridges, toll-bridge districts, bridge authorities and for harbor authorities, each and any of which shall be municipal in kind and nature, and from any or either of which this company shall receive no promotional profit, and further, shall receive no other profit, other than in direct proportion to such investment or investments as this company may make in any or either of such enterprises.

SEC. 10. The right to alter, amend, or repeal this Act is hereby expressly reserved.

SEC. 11. The word "bridge" where it appears in this Act, may be construed either in the singular or plural so as to apply to either or both of such bridges.

Approved, June 6, 1940.

Certified copy of
charter and amend-
ments to Secretary of
War.

Reservation.

"Bridge" defined.

[CHAPTER 246]

AN ACT

To provide increased pensions for veterans of the Regular Establishment with service-connected disability incurred in or aggravated by service prior to April 21, 1898.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective on the first day of the month following the month in which this Act is enacted, the rates of pension prescribed by paragraph II of part II of Veterans Regulation Numbered 1 (a), as amended, shall be payable to veterans of the Regular Establishment entitled to pensions under the general pension law on account of service-connected disabilities incurred in or aggravated by service prior to April 21, 1898: *Provided*, That this Act shall not be construed to reduce any pension under any Act, public or private.

Approved, June 6, 1940.

June 6, 1940
[H. R. 7733]
[Public, No. 563]

Pensions.
Rates for designated
veterans.

38 U. S. C. (1934
ed.), Supp. V, p. 997.

38 U. S. C., ch. 2;
Supp. V, ch. 2.

Proviso.
No reduction in
pension.

[CHAPTER 247]

AN ACT

To amend section 79 of the Judicial Code, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 79 of the Judicial Code, as amended (U. S. C., 1934 edition, Supp. IV, title 28, sec. 152), is amended to read as follows:

"The State of Illinois is divided into three districts, to be known as the northern, southern, and eastern districts of Illinois. The northern district shall include the territory embraced on the 1st day of July 1910 in the counties of Cook, De Kalb, Du Page, Grundy, Kane, Kendall, Lake, La Salle, McHenry, and Will, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Boone, Carroll, Jo Daviess, Lee,

June 6, 1940
[H. R. 8373]
[Public, No. 554]

Judicial Code,
amendment.
28 U. S. C. § 152;
Supp. V, § 152.

Illinois judicial dis-
tricts.
Northern district.

Terms. Ogle, Stephenson, Whiteside, and Winnebago, which shall constitute the western division. Terms of the district court for the eastern division shall be held at Chicago on the first Mondays in February, March, April, May, June, July, September, October, and November, and the third Monday in December; and for the western division, at Freeport on the third Mondays in April and October. The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy at Chicago and at Freeport, which shall be kept open at all times for the transaction of the business of the court. The marshal for the northern district shall maintain an office in the division in which he himself does not reside and shall appoint at least one deputy who shall reside therein. The southern district shall include the territory embraced on the 1st day of July 1910 in the counties of Bureau, Fulton, Henderson, Henry, Knox, Livingston, McDonough, Marshall, Mercer, Putnam, Peoria, Rock Island, Stark, Tazewell, Warren, and Woodford, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Adams, Bond, Brown, Calhoun, Cass, Christian, De Witt, Greene, Hancock, Jersey, Logan, McLean, Macon, Macoupin, Madison, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler, and Scott, which shall constitute the southern division. Terms of the district court for the northern division shall be held at Peoria on the third Mondays in April and October; for the southern division, at Springfield on the first Mondays in January and June, and at Quincy the first Mondays in March and September. The clerk of the court for the southern district shall maintain an office in charge of himself or a deputy at Peoria, at Springfield, and at Quincy, which shall be kept open at all times for the transaction of the business of the court. The marshal for said southern district shall appoint at least one deputy residing in the said northern division, who shall maintain an office at Peoria. The eastern district shall include the territory embraced on the 1st day of July 1910 in the counties of Alexander, Champaign, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Hamilton, Hardin, Iroquois, Jackson, Jasper, Jefferson, Johnson, Kankakee, Lawrence, Marion, Massac, Monroe, Moultrie, Perry, Piatt, Pope, Pulaski, Randolph, Richland, Saint Clair, Saline, Shelby, Union, Vermilion, Wabash, Washington, Wayne, White, and Williamson. Terms of the district court for the eastern district shall be held at Danville on the first Mondays in March and September; at Cairo, on the first Mondays in April and October; at East Saint Louis, on the first Mondays in May and November; and at Benton on the first Mondays in June and December. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Danville, at Cairo, at East Saint Louis, and at Benton, which shall be kept open at all times for the transaction of the business of the court, and shall there keep the records, files, and documents pertaining to the court at that place."

Approved, June 6, 1940.

[CHAPTER 248]

AN ACT

To convey certain lands to the State of Wyoming.

June 6, 1940
[H. R. 8403]
[Public, No. 555]

Wyoming.
Conveyance of cer-
tain lands to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed, upon payment by the State of \$36.95, to convey to the State of Wyoming, all right, title, and interest of the United States to a portion of the

Jackson's Hole, Wyoming, elk refuge, consisting of one and four hundred and seventy-eight one-thousandths acres, more or less, described by metes and bounds as follows: Beginning at a point which is north eighty-nine degrees fifty-eight minutes east forty feet from a point on the west line of section 27, township 41 north, range 116 west, of the sixth principal meridian Wyoming, which is north no degrees two minutes west one thousand eight hundred and two feet from the southwest corner of said section 27; thence north no degrees two minutes west three hundred and eight feet along a line parallel with and forty feet distant, when measured at right angles, from the west line of said section 27; thence north eighty-nine degrees fifty-eight minutes east two hundred and nine feet; thence south no degrees two minutes east three hundred and eight feet; thence south eighty-nine degrees fifty-eight minutes west two hundred and nine feet to the point of beginning.

Approved, June 6, 1940.

Description.

[CHAPTER 249]

AN ACT

To amend an Act entitled "An Act to increase the efficiency of the Coast Guard", approved January 12, 1938.

June 6, 1940
[H. R. 8423]
[Public, No. 556]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to increase the efficiency of the Coast Guard", approved January 12, 1938 (52 Stat. 4), is hereby amended to read as follows:

Coast Guard.

14 U. S. C., Supp.
V, § 175b.

"SEC. 2. The Secretary of the Treasury, at the direction of the President, shall assemble annually a Coast Guard Personnel Board (hereinafter referred to as the Board), to be composed of not less than five commissioned officers of the rank of captain or above on the active list of the Coast Guard. It shall be the duty of the Board (a) to recommend for retirement such commissioned officers of the Coast Guard who have thirty or more years of service, as the Board determines, in its discretion, should be retired from active service, (b) to recommend for retirement such commissioned officers of the Coast Guard who have been placed out of line of promotion and who have ten years or more of commissioned service, as the Board determines, in its discretion, should be retired from active service, and (c) to recommend for placing out of line of promotion such lieutenant commanders on the active list, as the Board determines, in its discretion, should be placed out of line of promotion. The proceedings, findings, and recommendations of the Board shall be transmitted to the Commandant of the Coast Guard for review. If the Commandant shall approve the recommendations of the Board, notification thereof shall be given by him in writing to each officer concerned, who, for the first time under this Act, is recommended for retirement or for placing out of line of promotion; and any such officer who, within thirty days after receipt of such notification, files with the Commandant a written protest of the action taken by the Board in his case, shall not be retired involuntarily or placed out of line of promotion under this Act unless a subsequent annual Board, none of the members of which were members of the previous Board which recommended such officer's retirement or placing out of line of promotion, determines, in its discretion, that such officer should be retired or placed out of line of promotion, and so recommends, in which case such officer may, upon approval by the President, be retired from active service with retired pay as prescribed by section 3 hereof, or be placed out of line of promotion, as the case may be, as

Personnel Board,
annual meeting.

Composition.

Recommendations
for retirement, etc.

Review of Board's
proceedings, etc.

Notification to offi-
cers concerned.

Protest; reconsider-
ation by subsequent
annual Board.

Retirement, etc.,
upon approval by the
President.

When no protest filed, procedure.

Disapproval by Commandant of recommendation; effect.

Transmittal of approved recommendations to Secretary of the Treasury.

Recommendations to be laid before the President.

Powers of the President.

Lieutenant commanders, placement of limited number out of line of promotion; exception.

Officers with 30 years' service, retirement of limited number.

Officers out of line of promotion with 10 years' service, retirement.

hereinafter provided. At the expiration of thirty days after receipt by an officer of notice aforesaid, in the event that no such protest is filed by him, such officer may upon approval by the President, be retired from active service with retired pay as prescribed by section 3 hereof, or be placed out of line of promotion, as the case may be, as hereinafter provided. If the Commandant shall disapprove any recommendation of the Board, the officer concerned shall retain his status in the Coast Guard to the same extent as if his case had not been considered by such Board. Except as hereinbefore provided, each recommendation of the Board which is finally approved by the Commandant, together with the proceedings and findings of the Board, shall be transmitted to the Secretary of the Treasury for further review, and if the Secretary shall disapprove any recommendation of the Board, the officer concerned shall retain his status in the Coast Guard to the same extent as if his case had not been considered by such Board. Each recommendation of the Board which is not disapproved by the Secretary shall be laid before the President by the Secretary with his recommendation in the case. The President may, in any calendar year, pursuant to recommendations so laid before him:

"(a) Place out of line of promotion such number of lieutenant commanders on the active list as will not exceed the whole number nearest to 2 per centum of the officers in that grade as of January 1 of such year; except that such limitation shall not be construed to limit the number of lieutenant commanders who may be placed out of line of promotion, in accordance with regulations prescribed by the Secretary of the Treasury, for failing to establish their mental, moral, and professional fitness for promotion.

"(b) Place upon the retired list such number of commissioned officers who have thirty or more years of service as will not exceed the whole number nearest to 5 per centum of the number of officers falling within that classification on January 1 of such year.

"(c) Place upon the retired list any officer who has been placed out of line of promotion and who has ten years or more of commissioned service."

Approved, June 6, 1940.

[CHAPTER 250]

AN ACT

June 6, 1940
[H. R. 8537]
[Public, No. 557]

To provide for the enlargement of the Coast Guard depot at Seattle, Washington, and for the establishment of a Coast Guard servicing base at or near Chattanooga, Tennessee.

Coast Guard.
Depot, Seattle,
Wash., acquisition of
land for.

Servicing base,
Chattanooga, Tenn.,
acquisition of land for.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized to acquire, at a cost not to exceed \$8,500, by purchase, condemnation, or otherwise such additional land adjacent to the present Coast Guard depot at the foot of Twenty-seventh Avenue West, Seattle, Washington, and to make such improvements thereon as may be necessary for the development of the depot to best meet the needs of the Coast Guard.

SEC. 2. The Secretary of the Treasury is authorized to acquire, at a cost not to exceed \$5,000, by purchase, condemnation, or otherwise such land and to make such improvements thereon as may be necessary for the establishment of a Coast Guard servicing base in such locality as the Commandant of the Coast Guard may recommend at or in the vicinity of Chattanooga, Tennessee.

Approved, June 6, 1940.

[CHAPTER 251]

AN ACT

Authorizing the Secretary of the Navy to accept on behalf of the United States a gift of the yacht Freedom from Sterling Morton.

June 6, 1940
[H. R. 8983]
[Public, No. 558]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to accept on behalf of the United States, without expense to the Government, the yacht Freedom and her equipment as a gift from her owner, Sterling Morton, to the United States Naval Academy.

Approved, June 6, 1940.

Yacht *Freedom*.
Acceptance of, from
Sterling Morton, au-
thorized.

[CHAPTER 252]

AN ACT

To transfer Hardeman County, Texas, from the Fort Worth division to the Wichita Falls division of the northern judicial district of Texas.

June 6, 1940
[H. R. 9013]
[Public, No. 559]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective thirty days after the date of the enactment of this Act, the territory embraced in Hardeman County, Texas, shall be withdrawn from the Fort Worth division of the northern judicial district of Texas and shall constitute a portion of the Wichita Falls division of such district.

Approved, June 6, 1940.

Judicial Code,
amendment.
36 Stat. 1125.
28 U. S. C. § 189;
Supp. V, § 189.
Texas northern ju-
dicial district, trans-
fer of territory.

[CHAPTER 253]

AN ACT

To authorize the Commissioners of the District of Columbia to provide for the parking of automobiles in the Municipal Center.

June 6, 1940
[H. R. 9115]
[Public, No. 560]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are authorized, in their discretion, to permit such officers and employees of the District of Columbia Government as the Commissioners may select to park motor vehicles in any building or buildings now or hereafter erected upon squares numbered 490, 491, and 533, and reservation numbered 10, in the District of Columbia, known as the Municipal Center, and to make and enforce regulations for the control of the parking of such vehicles, including the authority to prescribe and collect fees and charges for the privilege of parking of such vehicles.

SEC. 2. The Commissioners of the District of Columbia are further authorized, in their discretion, to permit the public to park motor vehicles in such portion or portions of squares numbered 490, 491, and 533, and reservation 10, in the District of Columbia, known as the Municipal Center, as may be set apart by the said Commissioners for such purpose, and to make and enforce such regulations as the Commissioners may deem advisable for the control of parking in such portion or portions of the Municipal Center as they may set apart for such purpose, including authority to restrict the privilege of parking therein to persons having business in the Municipal Center, and to make and enforce regulations to prohibit parking in all portions of the Municipal Center not set apart by the Commissioners for such purpose. The Commissioners are further authorized in their discretion, to prescribe and collect fees and charges for the privilege of parking motor vehicles in such portion or portions of

District of Colum-
bia.
Municipal Center.
parking of automo-
biles by D. C. em-
ployees, etc.

Regulations, fees,
etc.

Parking facilities
open to public in
certain restricted
areas.

Regulations.

Fees and charges.

Parking meters.

the Municipal Center as may be set apart for such purpose, and, to aid in the collection of such fees and charges and the enforcement of such regulations, the Commissioners may install mechanical parking meters or devices.

Penalties.

SEC. 3. The Commissioners of the District of Columbia are further authorized to prescribe reasonable penalties of fine not to exceed \$25 or imprisonment not to exceed ten days for the violation of any regulation promulgated under the authority of this Act.

Approved, June 6, 1940.

[CHAPTER 254]

AN ACT

June 6, 1940
[H. R. 9210]
[Public, No. 561]

To amend an Act entitled "An Act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes", approved July 15, 1932, and for other purposes.

District of Columbia.
Board of Indeterminate Sentence and Parole.
47 Stat. 697.
6 D. C. Code, Supp. V, § 452.
Officers and employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes", approved July 15, 1932, be, and the same is hereby, amended to read as follows:

Duties of officers.

"SEC. 2. The Board of Indeterminate Sentence and Parole shall, subject to the approval of the Commissioners of the District of Columbia, appoint an executive secretary, and parole officers, one of whom may be designated as the chief parole officer, and other employees, in such number as shall be appropriated therefor by Congress from time to time. It shall be the duty of such officers, subject to the discretion and control of said Board, to perform such duties and exercise such authority as the Board may direct. The salaries of said executive secretary, parole officers, and other employees shall be fixed in accordance with the Personnel Classification Act of 1923, as amended. Appropriations are hereby authorized for the payment of the salaries of said executive secretary, said parole officers, and other employees, the actual and necessary traveling expenses of the members of the Board, said executive secretary, and said parole officers, and all other necessary expenses incurred in the administration of this Act. Until appropriations as herein authorized are made therefor, all said salaries and expenses shall continue to be paid out of the appropriations for the penal institutions as now authorized by law."

Salaries.

42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.
Appropriations authorized.

Payment.

47 Stat. 697.
6 D. C. Code, Supp. V, § 453.
Imposing of sentences.

Maximum and minimum periods.

Release on parole.

Maximum sentence life imprisonment; minimum.
Death penalty not abrogated.

Prior felonies not affected.

SEC. 2. (a) Section 3 of said Act, approved July 15, 1932, is hereby amended to read as follows:

"SEC. 3. That hereafter, in imposing sentence on a person convicted in the District of Columbia of a felony, the justice or judge of the court imposing such sentence shall sentence the person for a maximum period not exceeding the maximum fixed by law and for a minimum period not exceeding one-third of the maximum sentence imposed, and any person so convicted and sentenced may be released on parole as herein provided at any time after having served the minimum sentence. Where the maximum sentence imposed is life imprisonment, a minimum sentence shall be imposed which shall not exceed fifteen years' imprisonment. Nothing in this Act shall abrogate the power of the justice or judge to sentence a convicted prisoner to the death penalty as now or hereafter may be provided by law."

(b) For any felony committed before this amendatory Act takes effect, the penalty, sentence, or forfeiture provided by law for such felony at the time such felony was committed shall remain in full force and effect and shall be imposed, notwithstanding this Act.

SEC. 3. Section 4 of said Act, approved July 15, 1932, is hereby amended to read as follows:

"SEC. 4. That whenever, within the limitations of section 3 of this Act, it shall appear to the Board of Indeterminate Sentence and Parole, from the reports of the prisoner's work and conduct which may be received in accordance with the rules and regulations prescribed, and from the study and examination made by the Board itself, that any prisoner serving an indeterminate sentence is fitted by his training for release, that there is a reasonable probability that such a prisoner will live and remain at liberty without violating the law, and that in the opinion of the Board such release is not incompatible with the welfare of society, said Board of Indeterminate Sentence and Parole may, in its discretion, authorize the release of such prisoner on parole, and he shall be allowed to go on parole, outside of said prison, and in the discretion of the Board to return to his home, or to such other place as the Board may indicate, upon such terms and conditions, including personal reports from said paroled prisoner, as said Board of Indeterminate Sentence and Parole shall prescribe, and to remain, while on parole, in the legal custody and under the control of the Attorney General of the United States or his authorized representative until the expiration of the maximum of the term or terms specified in his sentence, without regard to good-time allowance, and the said Board shall in every parole fix the limits of the residence of such person paroled: *Provided, however,* That the conditions prescribed and the residential limits may be thereafter changed or modified as the Board in its judgment may determine."

SEC. 4. Section 5 of said Act, approved July 15, 1932, is hereby amended to read as follows:

"SEC. 5. If said Board of Indeterminate Sentence and Parole, or any member thereof, shall have reliable information that a prisoner has violated his parole, said Board or any member thereof, at any time within the term or terms of the prisoner's sentence, may issue a warrant to any officer hereinafter authorized to execute the same for the retaking of such prisoner. Any officer of the District of Columbia penal institutions, any officer of the Metropolitan Police Department of the District of Columbia, or any Federal officer authorized to serve criminal process within the United States to whom such warrant shall be delivered is authorized and required to execute such warrant by taking such prisoner and returning or removing him to the penal institution of the District of Columbia from which he was paroled or to such penal or correctional institution as may be designated by the Attorney General of the United States."

SEC. 5. Section 6 of said Act, approved July 15, 1932, is hereby amended by adding at the end thereof the following:

"In the event said prisoner is removed to a penal or correctional institution designated by the Attorney General, the Board of Parole, created by the Act of Congress entitled 'An Act to amend an Act providing for the parole of United States prisoners, approved June 25, 1910, as amended', approved May 13, 1930, shall have and exercise the same power and authority over such prisoner as the Board of Indeterminate Sentence and Parole would have had such prisoner been returned to a penal institution of the District of Columbia, including the power to revoke his parole."

SEC. 6. (a) Section 8 of said Act, approved July 15, 1932, is hereby amended to read as follows:

"SEC. 8. Any person committed to a penal institution of the District of Columbia who escapes or attempts to escape therefrom or from the custody of any officer thereof or any other officer or employee of the District of Columbia, or any person who procures, advises, connives at, aids, or assists in such escape or conceals any such

47 Stat. 697.
6 D. C. Code,
Supp. V, § 454.

Prisoner serving an
indeterminate sen-
tence.
Provisions for re-
lease on parole.

Custody.

Proriso.
Modification of con-
ditions, etc.

47 Stat. 698.
6 D. C. Code, Supp.
V, § 455.

Violation of parole.
Retaking of prisoner.

47 Stat. 698.
6 D. C. Code, Supp.
V, § 456.

Board of Parole.
Authority when
prisoner removed to
institution designated
by Attorney General.
36 Stat. 819; 46 Stat.
272.
18 U. S. C. §§ 723a-
723c.

47 Stat. 698.
6 D. C. Code, Supp.
V, § 137.

Penal institutions of
D. C.
Prison breaches.

Punishment.

Prior breaches not affected by new provisions.

47 Stat. 698,
6 D. C. Code, Supp.
V, § 458.

Parole of prisoners other than felons; authority of Board of Indeterminate Sentence and Parole.

Prisoners convicted of prior misdemeanors or felonies; parole provisions.

Commitment to custody of Attorney General of all prisoners convicted in D. C.

Places of confinement.

Transfer from one institution to another.

Felonies committed before effective date.

Parole of prisoners after serving 15 years of life sentence.

After serving one-third of sentence imposed.

prisoner after such escape, shall be guilty of an offense and upon conviction thereof in any court of the United States shall be punished by imprisonment for not more than five years, said sentence to begin, if the convicted person be an escaped prisoner, upon the expiration of the original sentence."

(b) This amendment of section 8 of said Act approved July 15, 1932, shall not have the effect to release or extinguish any punishment, penalty, or liability incurred under such section, and such section as originally enacted shall be treated as still remaining in force for the purpose of sustaining any proper prosecution for the violation of such section committed prior to the passage of this amendatory Act.

SEC. 7. (a) The proviso to section 9 of said Act approved July 15, 1932, is hereby amended to read as follows: "*Provided, however,* That in the case of any prisoner convicted of two or more crimes other than a felony, including violations of municipal regulations and ordinances and Acts of Congress in the nature of municipal regulations and ordinances, when the aggregate of the sentences imposed is in excess of one year, said Board of Indeterminate Sentence and Parole may parole said prisoner, under the provisions of this Act, after said prisoner has served one-third of the aggregate sentence imposed."

(b) In the case of a prisoner convicted of misdemeanors committed prior to the effective date of this amendatory Act, when the aggregate sentence imposed is in excess of one year, and in the case of a prisoner convicted of felony committed prior to the effective date of said Act approved July 15, 1932, said Board of Indeterminate Sentence and Parole may parole said prisoner under the provisions of said Act approved July 15, 1932, as amended, after said prisoner has served one-fifth of the sentence imposed.

SEC. 8. Said Act approved July 15, 1932, is further amended by adding at the end thereof a new section to be numbered 11 and to read as follows:

"SEC. 11. All prisoners convicted in the District of Columbia for any offense, including violations of municipal regulations and ordinances and Acts of Congress in the nature of municipal regulations and ordinances, shall be committed, for their terms of imprisonment, and to such types of institutions as the court may direct, to the custody of the Attorney General of the United States or his authorized representative, who shall designate the places of confinements where the sentences of all such persons shall be served. The Attorney General may designate any available, suitable, and appropriate institutions, whether maintained by the District of Columbia Government, the Federal Government, or otherwise, or whether within or without the District of Columbia. The Attorney General is also authorized to order the transfer of any such person from one institution to another if, in his judgment, it shall be for the well-being of the prisoner or relieve overcrowding or unhealthful conditions in the institution where such prisoner is confined, or for other reasons."

SEC. 9. (a) Where a justice or a judge of the District Court of the United States for the District of Columbia has imposed or shall impose a life sentence on a prisoner convicted of a felony committed before this amendatory Act takes effect such prisoner shall be eligible to parole under the provisions of said Act approved July 15, 1932, as amended, after having served fifteen years of his life sentence.

(b) Where a justice or judge of the district court of the United States has imposed or shall impose a sentence for a definite term of imprisonment on a prisoner convicted of a felony committed before this amendatory Act takes effect, such prisoner shall be eligible to

parole under the provisions of said Act approved July 15, 1932, as amended, after having served one-third of the sentence imposed.

SEC. 10. Section 937 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, is hereby amended to read as follows:

"SEC. 937. DEDUCTION FOR GOOD CONDUCT.—All persons sentenced to and imprisoned in the jail or in the workhouse of the District of Columbia and confined there for a term of one month or longer who conduct themselves so that no charge of misconduct shall be sustained against them shall have a deduction upon a sentence of not more than one year of five days for each month; upon a sentence of more than one year and less than three years, six days for each month; upon a sentence of not less than three years and less than five years, seven days for each month; upon a sentence of not less than five years and less than ten years, eight days for each month; and upon a sentence of ten years or more, ten days for each month, and shall be entitled to their discharge so much the earlier upon the certificate of the superintendent of the Washington Asylum and Jail for those confined in the jail, and upon the certificate of the superintendent of the workhouse for those confined in the workhouse, of their good conduct during their imprisonment. When a prisoner has two or more sentences the aggregate of his several sentences shall be the basis upon which his deduction shall be estimated."

Approved, June 6, 1940.

31 Stat. 1341.
6 D. C. Code § 405.

Persons imprisoned
in jail, etc., deduction
from sentence for good
conduct.

[CHAPTER 255]

AN ACT

To amend the Act entitled "An Act to provide books for the adult blind", approved March 3, 1931.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide books for the adult blind", approved March 3, 1931, as amended (U. S. C., 1924 edition, Supp. IV, title 2, sec. 135a), is amended by striking out the figures "\$275,000", wherever occurring therein, and inserting in lieu thereof the figures "\$350,000", and by striking out the figures "\$175,000" and inserting in lieu thereof the figures "\$250,000".

Approved, June 6, 1940.

June 6, 1940
[H. R. 9236]
[Public, No. 562]

Books for the adult
blind.
46 Stat. 1487.
2 U. S. C. § 135a;
Supp. V, § 135a.

[CHAPTER 256]

AN ACT

To extend the times for commencing and completing the construction of a railroad bridge across the Missouri River at or near Randolph, Missouri.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of the railroad bridge and approaches thereto across the Missouri River at or near Randolph, Missouri, authorized to be constructed, maintained and operated by Frank O. Lowden, James E. Gorman, and Joseph B. Fleming, trustees of the estate of The Chicago, Rock Island and Pacific Railway Company, their successors and assigns, by an Act of Congress approved August 7, 1939, are hereby extended two and four years, respectively, from August 7, 1940.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 6, 1940.

June 6, 1940
[H. R. 9261]
[Public, No. 563]

Missouri River.
Time extended for
bridging, at Ran-
dolph, Mo.

53 Stat. 1265.

Amendment, etc.

[CHAPTER 257]

AN ACT

June 6, 1940

[H. R. 9553]

[Public, No. 564]

To amend and clarify certain Acts pertaining to the Coast Guard, and for other purposes.

Coast Guard.

Proviso.
Commandant; re-
tirement; rank and
pay.

On expiration of
term of service; pro-
cedure.

Provisos.
Engineer in chief;
rank, pay, etc.; selec-
tion.

Rank, etc., when
retired.

On expiration of
term of service; pro-
cedure.

Rank, etc., of cap-
tains retiring after 40
years' service.
14 U. S. C., Supp.
V, § 174.

Commodores.

Assistant Comman-
dant.
Appointment; term.

Duties.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first proviso of section 2 of the Act of January 12, 1923 (42 Stat. 1130), as amended (U. S. C., 1934 edition, Supp. V, title 14, sec. 161), is hereby further amended to read as follows: "*Provided*, That any officer who has served or shall hereafter serve as Commandant, if heretofore or hereafter retired, whether before or at any time after the termination of his service as Commandant, shall, if receiving the pay of a rear admiral (upper half) at the termination of his service as Commandant, be placed on the retired list with the rank of rear admiral and the retired pay of a rear admiral (upper half), or, if receiving the pay of a rear admiral (lower half) at the termination of his service as Commandant, shall be placed on the retired list with the rank of rear admiral and the retired pay of a rear admiral (lower half), and that any officer whose term of service as Commandant has expired may be appointed a captain and shall be an additional number in that grade, but, if not so appointed, he shall take the place on the lineal list in the grade that he would have attained had he not served as Commandant, and be an additional number in such grade and in the grades to which he may be promoted:"

(b) The second and third provisos of section 2 of the Act of January 12, 1923 (42 Stat. 1130), as amended (U. S. C., 1934 edition, Supp. V, title 14, sec. 12), are hereby further amended to read as follows: "*Provided further*, That the engineer in chief, while so serving, shall have the rank of rear admiral and the pay and allowances of a rear admiral (lower half), and hereafter the engineer in chief shall be selected from the active list of engineering officers not below the grade of commander: *Provided further*, That any officer who was serving on February 15, 1940, or shall thereafter serve, as engineer in chief shall, when retired, whether before or at any time after the termination of his service as engineer in chief, be retired with the rank of rear admiral and the retired pay of a rear admiral (lower half), and that any officer whose term of service as engineer in chief has expired shall take the place on the lineal list in the grade that he would have attained had he not served as engineer in chief, and be an additional number in such grade and in the grades to which he may be promoted:"

SEC. 2. Section 3 of the Act of January 12, 1923 (42 Stat. 1131), as amended (U. S. C., 1934 edition, title 14, sec. 174), is hereby further amended by striking out so much of the second proviso thereof as follows the semicolon and inserting in lieu thereof the following: "and, in the case of a captain, the rank and retired pay of one grade above shall be the rank of rear admiral and the retired pay of a rear admiral (lower half). Any officer of the Coast Guard now having the rank of commodore on the retired list shall hereafter have in lieu thereof the rank of rear admiral, without any increase in pay by reason of such change in rank."

SEC. 3. Section 1 of the Act of April 16, 1908 (35 Stat. 61), as amended and supplemented (U. S. C., 1934 edition, Supp. V, title 14, secs. 11 and 11 (a)), is hereby further amended by changing the last paragraph thereof to read as follows:

"The President is authorized to appoint in the Coast Guard, by and with the advice and consent of the Senate, one Assistant Commandant who shall serve for a term of four years unless sooner relieved by the President. The Assistant Commandant shall perform such duties as the Commandant of the Coast Guard may prescribe and shall act as

Commandant during the absence or disability of the Commandant or in the event that there is a vacancy in the office of Commandant. The Assistant Commandant shall be selected from the active list of line officers not below the grade of commander, and such appointment shall not create a vacancy; and the Commandant of the Coast Guard shall make recommendations for the appointment of the Assistant Commandant. The Assistant Commandant shall have the rank of rear admiral and the pay and allowances of a rear admiral (lower half): *Provided*, That an officer whose term of service as Assistant Commandant has expired shall take his place on the lineal list in the grade that he would have attained had he not served as Assistant Commandant: *Provided further*, That any officer who was serving on February 15, 1940, or shall thereafter serve, as Assistant Commandant shall, when retired, whether before or at any time after the termination of his service as Assistant Commandant, be retired with the rank of rear admiral and the retired pay of a rear admiral (lower half)."

SEC. 4. Section 2 of the Act of May 4, 1882 (22 Stat. 56), as amended and supplemented (U. S. C., 1934 edition, title 14, sec. 93), is hereby further amended to read as follows:

"The Secretary of the Treasury, on the recommendation of the Commandant of the Coast Guard, may discontinue from time to time any Coast Guard station, house of refuge, or light station, as may from any cause become useless or unnecessary. Any Coast Guard station, house of refuge, or light station, thus discontinued, may be reestablished by the Secretary of the Treasury, upon like recommendation, whenever he believes such reestablishment to be required by the public interest."

SEC. 5. Section 4674 of the Revised Statutes, as amended and supplemented (U. S. C., 1934 edition, title 33, sec. 742), is hereby repealed.

SEC. 6. Section 7 of the Act of May 14, 1908 (35 Stat. 162), as amended and supplemented (U. S. C., 1934 edition, title 33, sec. 741), is hereby repealed.

SEC. 7. The provisions of section 6 of the Act approved June 20, 1918 (40 Stat. 608), as amended and supplemented (U. S. C., 1934 edition, Supp. V, title 33, secs. 763 and 763a-1), shall not apply to persons of the Coast Guard other than officers and employees of the former Lighthouse Service who, on June 30, 1939, met the requirements for retirement (except those relating to age and period of service) of said section.

SEC. 8. Section 4 of the Coast Guard Reserve Act of 1939, approved June 23, 1939 (53 Stat. 855; U. S. C., 1934 edition, Supp. V, title 14, sec. 254), is hereby amended to read as follows:

"SEC. 4. The Coast Guard is authorized to utilize in the conduct of duties incident to the saving of life and property, or in the patrol of marine parades and regattas, any motorboat or yacht temporarily placed at its disposition for any of such purposes by any member of the Reserve: *Provided*, That no such motorboat or yacht shall be assigned to any such Coast Guard duty unless it is placed in charge of a commissioned officer, chief warrant officer, warrant officer, or petty officer of the Coast Guard during such assignment: *Provided further*, That appropriations for the Coast Guard shall be available for the payment of actual necessary expenses of operation of any such motorboat or yacht when so utilized, but shall not be available for the payment of compensation for personal services, incident to such operation, to other than the personnel of the regular Coast Guard. The term 'actual necessary expenses of operation', as used herein, shall include fuel, oil, water, supplies, provisions, and any replacement or repair of equipment or any repair of the motorboat or yacht where, upon investigation by a board of not

Selection.

Rank, etc.

Provisos.
On expiration of term of service; procedure.

Rank, etc., when retired.

Discontinuance of Coast Guard stations, etc.

Reestablishment.

Discontinuance and reestablishment of lights.

Annual report on unnecessary aids to navigation.

Nonapplication of certain retirement provisions to persons of Coast Guard; exception.

Coast Guard Reserve.

Utilization by Coast Guard of motorboats, etc., of members of.

Provisos.
Commissioned, etc., officer of Coast Guard to be in charge during assignment.

Expenses of operation; restriction on use of funds.

"Actual necessary expenses of operation" defined.

less than three commissioned officers of the Coast Guard, it is determined that responsibility for the loss or damage necessitating such replacement or repair of equipment or such repair of the motorboat or yacht rests with the Coast Guard."

Coast Guard Reserve.

SEC. 9. The Coast Guard Reserve Act of 1939, approved June 23, 1939 (53 Stat. 854; U. S. C., 1934 edition, Supp. V, title 14, sec. 251), and the following is hereby further amended by adding at the end thereof a new section as follows:

Correspondence courses of Coast Guard Institute, availability.

"SEC. 9. Pursuant to such rules and regulations as the Commandant may prescribe, correspondence courses of the Coast Guard Institute may be made available to members of the Reserve: *Provided*, That the actual cost of the study materials for each such course shall be paid by the member of the Reserve taking such course and the proper Coast Guard appropriation shall be credited accordingly."

Proviso.
Cost of study materials.

Rations, etc., for enlisted men, civilian officers, etc., of lightships and tenders.

SEC. 10. (a) Enlisted men of the Coast Guard, and civilian officers and civilian crews of lightships and tenders shall be allowed a ration, or commutation thereof in money, in such an amount and under such limitations and regulations as the Secretary of the Treasury may prescribe. Money for commuted rations authorized herein shall, in the discretion of the Secretary of the Treasury, and subject to such rules and regulations as he may prescribe, be paid on proper vouchers or pay rolls to persons entitled to receive it, or to the officers designated by the Commandant of the Coast Guard to administer the financial affairs of the masses in which such persons may be subsisted.

Payment for commuted rations.

Depositories.

(b) Money paid for commuted rations, as authorized by subsection (a) of this section, to the officers so designated by the Commandant, may be deposited in general or limited depositories of public money or in any bank in which deposits are insured and expended and accounted for in such manner and under such regulations as the Secretary of the Treasury may prescribe.

Subsistence allowances for enlisted men; construction.

(c) Nothing contained in this section shall be construed as modifying or changing in any manner the provisions of section 11 of the Act of June 10, 1922 (42 Stat. 630; U. S. C., 1934 edition, title 37, sec. 19), pertaining to subsistence allowances for enlisted men: *Provided*, That no ration or commutation thereof shall be allowed to a person receiving a subsistence allowance: *Provided further*, That the value of a commuted ration as fixed by the Secretary of the Treasury, shall not exceed the value of a subsistence allowance as determined by regulations prescribed by the President in accordance with the provisions of section 11 of such Act of June 10, 1922.

Provisos.
Restriction on ration, etc., allowance.
Value of commuted ration, limitation.

Funeral expenses for officers, etc., of Coast Guard.

SEC. 11. The provisions of the Act entitled "An Act authorizing appropriations to be made for the disposition of the remains of personnel of the Navy and Marine Corps and certain civilian employees of the Navy, and for other purposes", approved April 20, 1940, Public Law Numbered 465, Seventy-sixth Congress, third session, shall apply to the officers and enlisted men and civilian personnel of the Coast Guard in like manner as to the personnel of the Navy and civilian personnel of the Navy Department or the Naval Establishment, whether the Coast Guard is operating under the Treasury Department or operating as a part of the Navy, and all of the duties which devolve upon the Secretary of the Navy under said Act with reference to the personnel of the Navy and civilian personnel of the Navy Department or the Naval Establishment shall devolve upon the Secretary of the Treasury with respect to the officers and enlisted men and civilian personnel of the Coast Guard.

Ante, p. 144.

Duties devolving upon Secretary of the Treasury.

Approved, June 6, 1940.

[CHAPTER 267]

JOINT RESOLUTION

Authorizing the Bureau of Labor Statistics to make studies of productivity and labor costs in industry

June 7, 1940
[H. J. Res. 265]
[Pub. Res., No. 77]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bureau of Labor Statistics of the United States Department of Labor is authorized and directed to make continuing studies of productivity and labor costs in the manufacturing, mining, transportation, distribution, and other industries.

Bureau of Labor Statistics, Department of Labor.
Studies of productivity, etc., in industries.

For the purpose of making the study, there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, a sum not to exceed \$100,000 for the first fiscal year. The Secretary of Labor is directed to submit annually to the Congress a report of the findings of the Bureau of Labor Statistics in complying with this joint resolution.

Appropriation authorized.
Post, p. 1043.

Report to Congress.

Approved, June 7, 1940.

[CHAPTER 276]

AN ACT

To confer jurisdiction on the State of Kansas over offenses committed by or against Indians on Indian reservations.

June 8, 1940
[H. R. 3048]
[Public, No. 565]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred on the State of Kansas over offenses committed by or against Indians on Indian reservations, including trust or restricted allotments, within the State of Kansas, to the same extent as its courts have jurisdiction over offenses committed elsewhere within the State in accordance with the laws of the State: Provided, however, That nothing herein contained shall deprive the courts of the United States of jurisdiction over offenses defined by the laws of the United States committed by or against Indians on Indian reservations.

Kansas.
Jurisdiction over offenses involving certain Indians.

Proriso.
Noninterference with jurisdiction of U. S. courts.

Approved, June 8, 1940.

[CHAPTER 277]

AN ACT

To amend the Act of June 30, 1936 (49 Stat. 2041), providing for the administration and maintenance of the Blue Ridge Parkway, in the States of Virginia and North Carolina, by the Secretary of the Interior, and for other purposes.

June 8, 1940
[H. R. 4282]
[Public, No. 566]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the administration and maintenance of the Blue Ridge Parkway, in the States of Virginia and North Carolina, by the Secretary of the Interior, and for other purposes", approved June 30, 1936 (49 Stat. 2041), be amended to read as follows:

Blue Ridge Parkway, Va. and N. C.
16 U. S. C., Supp. V, § 403i.

"That all lands and easements heretofore or hereafter conveyed to the United States by the States of Virginia and North Carolina for the right-of-way for the projected parkway between the Shenandoah and Great Smoky Mountains National Parks, together with sites acquired or to be acquired for recreational areas in connection therewith, and a right-of-way for said parkway of a width sufficient to include the highway and all bridges, ditches, cuts, and fills appurtenant thereto, but not exceeding a maximum of two hundred feet

Projected parkway between Shenandoah and Great Smoky Mountains National Parks to be known as.

Administration, etc.

16 U. S. C. §§ 1-4;
Supp. V, §§ 1, 2.

Provisos.
Roads and trails.

Coordination of
recreational develop-
ment.

Issuance of revoca-
ble licenses for rights-
of-way.

Acceptance by U. S.
of lands, etc., for Blue
Ridge or Natchez
Trace Parkways.

through Government-owned lands (except that where small parcels of Government-owned lands would otherwise be isolated, or where topographic conditions or scenic requirements are such that bridges, ditches, cuts, fills, parking overlooks, landscape development, recreational and other facilities requisite to public use of said parkway could not reasonably be confined to a width of two hundred feet, the said maximum may be increased to such width as may be necessary, with the written approval of the department or agency having jurisdiction over such lands) as designated on maps heretofore or hereafter approved by the Secretary of the Interior, shall be known as the Blue Ridge Parkway and shall be administered and maintained by the Secretary of the Interior through the National Park Service, subject to the provisions of the Act of Congress approved August 25, 1916 (39 Stat. 535), entitled 'An Act to establish a National Park Service, and for other purposes', the provisions of which Act, as amended and supplemented, are hereby extended over and made applicable to said parkway: *Provided*, That the Secretary of Agriculture is hereby authorized, with the concurrence of the Secretary of the Interior, to connect with the parkway such roads and trails as may be necessary for the protection, administration, or utilization of adjacent and nearby national forests and the resources thereof: *And Provided further*, That the Forest Service and the National Park Service shall, insofar as practicable, coordinate and correlate such recreational development as each may plan, construct, or permit to be constructed, on lands within their respective jurisdictions which, by mutual agreement, should be given special treatment for recreational purposes.

"SEC. 2. In the administration of the Blue Ridge Parkway, the Secretary of the Interior may issue revocable licenses or permits for rights-of-way over, across, and upon parkway lands, or for the use of parkway lands by the owners or lessees of adjacent lands, for such purposes and under such nondiscriminatory terms, regulations, and conditions as he may determine to be not inconsistent with the use of such lands for parkway purposes.

"SEC. 3. The Secretary of the Interior is hereby authorized, in his discretion, to approve and accept, on behalf of the United States, title to any lands and interests in land heretofore or hereafter conveyed to the United States for the purposes of the Blue Ridge or the Natchez Trace Parkways, or for recreational areas in connection therewith."

Approved, June 8, 1940.

[CHAPTER 278]

AN ACT

For the protection of the bald eagle.

June 8, 1940
[H. R. 4832]
[Public, No. 567]
Preamble.

Whereas the Continental Congress in 1782 adopted the bald eagle as the national symbol; and

Whereas the bald eagle thus became the symbolic representation of a new nation under a new government in a new world; and

Whereas by that Act of Congress and by tradition and custom during the life of this Nation, the bald eagle is no longer a mere bird of biological interest but a symbol of the American ideals of freedom; and

Whereas the bald eagle is now threatened with extinction: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever, within the United States or any place subject to the jurisdiction thereof, except the Territory of Alaska, without being permitted so to do as hereinafter provided, shall take, possess, sell, purchase,

Bald eagle.
Taking, sale, etc.,
within U. S. forbid-
den; exception.

barter, offer to sell, purchase or barter, transport, export or import, at any time or in any manner, any bald eagle, commonly known as the American eagle, alive or dead, or any part, nest, or egg thereof, shall be fined not more than \$500 or imprisoned not more than six months, or both: *Provided*, That nothing herein shall be construed to prohibit possession or transportation of any such eagle, alive or dead, or any part, nest, or egg thereof, lawfully taken prior to the effective date of this Act, but the proof of such taking shall lie upon the accused in any prosecution under this Act.

SEC. 2. That whenever after investigation the Secretary of the Interior shall determine that it is compatible with the preservation of the bald eagle as a species to permit the taking, possession, and transportation of specimens thereof for the scientific or exhibition purposes of public museums, scientific societies, or zoological parks, or that it is necessary to permit the taking of such eagles for the protection of wildlife or of agricultural or other interests in any particular locality he may issue permits therefor under regulations which he is hereby authorized and directed to prescribe.

SEC. 3. That for the efficient execution of this Act section 5 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the Act of June 20, 1936 (49 Stat. 1555), shall be deemed to be incorporated herein in haec verba.

SEC. 4. That as used in this Act "whoever" includes also associations, partnerships, and corporations; "take" includes also pursue, shoot, shoot at, wound, kill, capture, trap, collect, or otherwise willfully molest or disturb; "transport" includes also ship, convey, carry, or transport by any means whatever, and deliver or receive or cause to be delivered or received for such shipment, conveyance, carriage, or transportation.

SEC. 5. That moneys now or hereafter available to the Secretary of the Interior for the administration and enforcement of the aforesaid Migratory Bird Treaty Act of July 3, 1918, shall be equally available for the administration and enforcement of this Act.

Approved, June 8, 1940.

[CHAPTER 279]

AN ACT

To extend the provisions of the Forest Exchange Act, as amended, to certain lands so that they may become part of the Ochoco National Forest, Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any lands in private, State, or county ownership within the following-described area, which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes, may be offered in exchange under the provisions of the Act approved March 20, 1922, as amended (U. S. C., title 16, secs. 485, 486), and upon acceptance of title shall become part of the Ochoco National Forest, Oregon, and shall thereafter be subject to the laws, rules, and regulations applicable to national forests:

Section 36, township 15 south, range 24 east; section 36, township 15 south, range 25 east; section 36, township 20 south, range 24 east; section 5, township 20 south, range 25 east; section 36, township 20 south, range 26 east; sections 9, and 13 to 16, inclusive, sections 21 to 27, inclusive, and sections 33 to 36, inclusive, township 21 south, range 25 east; sections 7, 18, and 19, township 21 south, range 26 east; sections 1, 3, 11, and 12, township 22 south, range 24 east; sections 3 to 7, inclusive, township 22 south, range 25 east; and section 16, township 22 south, range 27 east; all Willamette base and meridian.

Approved, June 8, 1940.

Penalty.

Proviso.
Eagles lawfully taken prior to effective date.

Issuance of permits for taking, etc., for certain purposes.

Regulations.

Arrest, etc., of offenders.
40 Stat. 756.
16 U. S. C. § 706; Supp. V, § 706.

Terms defined.

Availability of funds.

June 8, 1940
[H. R. 5404]
[Public, No. 568]

Ochoco National Forest, Oreg.
Exchange of certain lands for incorporation in.

42 Stat. 465.
16 U. S. C., Supp. V, § 486.

Description.

[CHAPTER 280]

AN ACT

For the benefit of the Indians of the Crow Reservation, Montana, and for other purposes.

June 8, 1940

[H. R. 5477]

[Public, No. 569]

Crow Indian Reservation, Mont.
41 Stat. 752.

Proviso.
Sale or exchange of allotted, etc., lands.

Transaction to be upon petition; signers.

Issuance of new patent.

24 Stat. 389.
25 U. S. C. § 348.

41 Stat. 753.
Retention of mineral rights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of June 4, 1920 (41 Stat. 751), entitled "An Act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes", is hereby amended by inserting the following at the end of paragraph 1: "*Provided*, That for the purpose of consolidating the restricted land holdings of any individual Crow allottee or the holdings of members of a Crow family, the Secretary of the Interior is authorized, in his discretion and under such rules and regulations as he may prescribe, to approve sales of allotted and inherited Indian lands to members of the Crow Tribe or the exchange of restricted Crow lands without regard to the acreage limitation hereinbefore set out. Any sales or exchange made hereunder shall be upon a petition signed by the adult allottee and by the adult heirs of any deceased allottee and the parent or natural guardian of a minor heir or, if there be no natural guardian, by the officer in charge of the Crow Agency, and if the purchaser or recipient of such lands be an Indian of the Crow Tribe, then any outstanding trust patent or patents covering the land so sold or exchanged shall be canceled and a new patent of the force and legal effect of the trust patents as prescribed by the General Allotment Act of February 8, 1887 (24 Stat. 388), as amended, shall be issued to such Indian or Indians, which patent where applicable shall contain the mineral reservation provided in section 6 of this Act. Should any Crow allottee wish to retain mineral rights now owned by him in land, sold hereunder to other members of the tribe, he may do so by making conveyance on a form of deed to be prescribed by the Secretary of the Interior, which form shall provide that its approval shall not operate to remove any trust or other conditions imposed upon said lands as expressed in the original trust or any other patent issued therefor."

Approved, June 8, 1940.

[CHAPTER 281]

AN ACT

To provide for the conservation and transfer of accumulated sick leave and vacation time due classified civil-service employees who succeed to the position of postmaster, and for other purposes.

June 8, 1940

[H. R. 5784]

[Public, No. 570]

Postal Service.
Retention of accrued sick and annual leave by civil-service employees appointed postmasters.

Provisos.
Transfer of accrued leave.

Act retroactive as to certain postmasters.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every classified civil-service employee who shall be appointed to the position of postmaster shall retain to his credit whatever amount of sick leave and vacation time is properly due him on the date of his appointment to the position of postmaster: *Provided*, That such accumulated sick leave and vacation time shall be transferred to the credit of the employee as of the date of his appointment as postmaster in the same manner as the time might have been utilized by him before appointment: *Provided further*, That this Act shall be retroactive to the extent that every postmaster at a first- or second-class post office who shall have received appointment as postmaster while an employee of the classified civil-service and who shall hold the position of postmaster on the date this Act becomes effective, shall be entitled to the

benefits of the Act and shall be credited with the amount of accumulated sick leave and vacation time which was due him on the date of his appointment as postmaster: *Provided further*, That all laws and parts of laws inconsistent with this Act are hereby repealed.

Approved, June 8, 1940.

Repeal of inconsistent laws.

[CHAPTER 282]

AN ACT

To repeal the prohibition against the filling of a vacancy in the office of district judge for the southern district of New York.

June 8, 1940
[H. R. 6906]
[Public, No. 571]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision of subsection (d) of section 4 of the Act entitled "An Act to provide for the appointment of additional judges for certain United States district courts, circuit courts of appeals, and certain courts of the United States for the District of Columbia", approved May 31, 1938 (52 Stat. 585; U. S. C., title 28, sec. 4j-1), which reads: "*Provided*, That the first vacancy occurring in the office of district judge for the southern district of New York by the retirement, disqualification, resignation, or death of judges in office on the date of enactment of this Act shall not be filled", be, and it is hereby, repealed.

Approved, June 8, 1940.

United States courts.
28 U. S. C., Supp. V, § 4j-1.

New York southern district.
Filling of vacancy.

[CHAPTER 283]

AN ACT

Granting to the regents of the University of New Mexico the right to alienate certain lands conveyed to them under authority of the Act of Congress, approved August 19, 1935 (49 Stat. 659), in exchange for an equivalent amount of land more expediently situated.

June 8, 1940
[H. R. 5961]
[Public, No. 572]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the regents of the University of New Mexico be, and they are hereby, authorized to convey to the Santa Ana Pueblo that certain portion of the lands patented to them under authority of the Act of Congress, approved August 19, 1935 (Public, Numbered 284, Seventy-fourth Congress), described as follows:

A strip of land one hundred feet wide extending along the north and west boundaries of the northwest quarter section 30, and a strip of land one hundred feet wide extending along the north boundary of lot 7, section 30, all in township 13 north, range 4 east, New Mexico principal meridian, New Mexico, these tracts comprising thirteen and three-tenths acres, more or less;

That the pueblo of Santa Ana, a community of Pueblo Indians residing in New Mexico, with the approval of the Secretary of the Interior, is hereby authorized to convey to the regents of the University of New Mexico and the said regents of the University of New Mexico are hereby authorized to accept from the said Santa Ana Pueblo in exchange for the aforesaid lands, lots 3 and 6 and that portion of lot 2, section 30, township 13 north, range 4 east, New Mexico principal meridian, New Mexico, lying south of a line beginning at a point on the west boundary of lot 2, north eight degrees fifty minutes east six hundred and ninety-two and eight-tenths feet from angle point one on the west boundary of the El Ranchito grant and bearing south sixty-three degrees forty minutes east to the west bank of the Rio Grande, containing a total area of

University of New Mexico.
Conveyance of certain lands by, to Santa Ana Pueblo, authorized.
49 Stat. 659.

Description.

Conveyance of Santa Ana Pueblo lands.

Description.

Proviso.
Legal status of lands
conveyed to pueblo
of Santa Ana.

eleven and eight-tenths acres, more or less: *Provided*, That any lands conveyed to the pueblo of Santa Ana pursuant to the provisions of this Act shall acquire the same legal status as those lands now owned by the pueblo, which may be conveyed to the regents of the University of New Mexico pursuant hereto.

Approved, June 8, 1940.

[CHAPTER 284]

AN ACT

To repeal certain laws with respect to manifests and vessel permits.

June 8, 1940
[H. R. 6751]
[Public, No. 573]

Shipping.
Manifests and per-
mits, repeal of certain
laws relating to.
19 Stat. 90.
46 U. S. C. §§ 294-
305.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 4349, 4350, 4351, 4352, 4353, 4354, 4355, 4356, 4357, 4359, and 4360 of the Revised Statutes of the United States, and the Act of July 12, 1876 (U. S. C., 1934 edition, title 46, sec. 302), are hereby repealed.

Approved, June 8, 1940.

[CHAPTER 285]

AN ACT

To set aside certain lands for the Minnesota Chippewa Tribe in the State of Minnesota, and for other purposes.

June 8, 1940
[H. R. 7833]
[Public, No. 574]

Minnesota Chip-
pewa Tribe.
Lands permanently
reserved for use of.

Description.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to the payments prescribed by section 2 hereof the following-described lands are hereby eliminated from the Chippewa National Forest and permanently reserved for the use of the Minnesota Chippewa Tribe without in any manner affecting existing reserves for church, cemetery, and other purposes, or individual rights or interest in said lands: South half northwest quarter southwest quarter, southeast quarter southwest quarter, section 12; northwest quarter northwest quarter, west half northeast quarter northwest quarter, south half northwest quarter, west half southwest quarter, lots 2, 4, 5, and 6, section 13; northeast quarter southeast quarter, section 14; lots 11, 12, 13, 3, 4, 6, 7, 8, and 9, section 24, township 142 north, range 31 west, fifth principal meridian, Minnesota, excepting a tract containing approximately one and ninety one-hundredths acres, being that portion of lot 4, section 13, township 142 north, range 31 west, beginning at angle point 1, lot 5, section 13, township 142 north, range 31 west; thence north thirty-three degrees forty-two minutes east one hundred and twenty-nine and five-tenths feet; thence south eighty-nine degrees forty-eight minutes east two hundred and thirty-one and four-tenths feet; thence south one degree fifty-four minutes west eighty-five and two-tenths feet; thence south nine degrees thirty-one minutes east two hundred and five and two-tenths feet; thence south nine degrees no minutes west eighty and four-tenths feet; thence south forty-one degrees nineteen minutes west one hundred and nineteen and four-tenths feet to angle point 4, lot 5; thence along the boundary of lot 5, north fifty-one degrees no minutes west one hundred and twenty and one-tenth feet to angle point 5, lot 5, north thirty-seven degrees forty-five minutes east one hundred and twenty and one-tenth feet to angle point 6, lot 5, north fifty-one degrees no minutes west two hundred and eighty-seven and one-tenth feet to angle point 1, lot 5, and point of beginning.

Payment for land,
etc., from tribal funds.

SEC. 2. That the Secretary of the Interior is hereby authorized to withdraw from the Minnesota Chippewa tribal fund now held in trust in the Treasury of the United States a sufficient sum to reim-

burse the United States for the land and timber thereon, the value of the land to be calculated at \$1.25 per acre, and the value of the timber to be ascertained by the Secretary of Agriculture after the same has been examined and appraised under his supervision: *Provided, however*, That the transaction contemplated in this and the preceding section shall be effected only with the consent of the Minnesota Chippewa Tribe expressed through the body authorized to represent it: *And provided further*, That all money received by the United States under the authority of this Act shall be deposited in the Treasury of the United States, and the same is hereby appropriated for the acquisition of forest land within the Chippewa National Forest under the provisions of the Act approved March 1, 1911, as amended (U. S. C., title 16, secs. 513, 519, 521).

SEC. 3. That exchanges of Indian allotted, restricted, and tribal lands for lands in the Chippewa National Forest are hereby authorized. In order to consummate exchanges involving allotted and restricted Indian lands, the Secretary of the Interior is hereby authorized to accept relinquishments or conveyances of Indian lands, which lands shall thereupon become a part of the Chippewa National Forest, and to issue trust patents to the Indians for the lands received by them in exchange: *Provided*, That with the consent of the Indians involved title to the lands received in any such exchange may be taken in the name of the tribe, in which case the transfer of title shall be evidenced by an order of the Secretary of Agriculture transferring the lands to the Secretary of the Interior in trust for the Minnesota Chippewa Tribe: *Provided further*, That exchanges involving tribal lands shall be made only with the consent of the Indians and shall be evidenced by appropriate orders of transfer executed by the Secretary of Agriculture and the Secretary of the Interior: *And provided further*, That the land exchanges authorized herein shall be made on the basis of lands of equal value, and no exchange shall be made unless it is first approved by the Secretary of Agriculture.

Approved, June 8, 1940.

Provisos.
Consent of tribe
necessary.

Deposit of funds.

Appropriation.

36 Stat. 961.

Exchanges of land
authorized.
Acceptance of In-
dian lands; issuance
of trust patents.

Provisos.
Transfer of title.

Consent of Indians.

Basis for exchange;
approval by Secretary
of Agriculture.

[CHAPTER 286]

AN ACT

To make it a crime to wreck or attempt to wreck a train engaged in interstate commerce.

June 8, 1940
[H. R. 8086]
[Public, No. 575]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever shall willfully derail, disable, or wreck any train, engine, motor unit, or car used, operated, or employed in interstate or foreign commerce by any railroad, or whoever shall willfully set fire to, or place any explosive substance on or near, or undermine any tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of any such railroad in interstate or foreign commerce, or otherwise make any such tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance unworkable or unusable or hazardous to work or use, with the intent to derail, disable, or wreck a train, engine, motor unit, or car used, operated, or employed in interstate or foreign commerce or whoever shall willfully attempt to do any of the aforesaid acts or things, shall be deemed guilty of a crime, and on conviction thereof shall be subject to a fine of not more than \$10,000 or imprisonment for not more than twenty

Wrecking of train,
etc., employed in in-
terstate or foreign
commerce.

Penalty.

Proviso.
Death penalty, etc.;
when applicable.

Jurisdiction of State
courts.

State conviction or
acquittal, effect.

years, or both fine and imprisonment in the discretion of the court. *Provided*, That whoever shall be convicted of any such crime, which has resulted in the death of any person, shall be subject also to the death penalty or to imprisonment for life, if the jury shall in its discretion so direct, or, in the case of a plea of guilty, if the court in its discretion shall so order.

Nothing in this Act shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof; and a judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

Approved, June 8, 1940.

[CHAPTER 287]

AN ACT

June 8, 1940
[H. R. 8491]

[Public, No. 576]

Authorizing the county of Knox, State of Nebraska, to construct, maintain, and operate a toll bridge across the Missouri River at or near Niobrara, Nebraska.

Missouri River.
Bridge authorized
across, at Niobrara,
Nebr.

34 Stat. 84.
33 U. S. C. §§ 491-
498.

Right to acquire
real estate, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the county of Knox, State of Nebraska, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation at or near Niobrara, Nebraska, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

SEC. 2. There is hereby conferred upon the said county of Knox, State of Nebraska, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes, or by bridge corporations for bridge purposes, in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Toll charges.

SEC. 3. The said county of Knox, State of Nebraska, is hereby authorized to fix and charge tolls for transit over such bridge and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Application of tolls
to operation, sinking
fund, etc.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge, the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for amortization shall have been so provided, said bridge shall thereafter be maintained and operated free of tolls. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Maintenance as free
bridge after amortiz-
ing costs, etc.

Record of expendi-
tures and receipts.

SEC. 5. The right to assign the powers and privileges conferred by this Act by mortgage for the purpose of financing the construction of such bridge is hereby granted to the county of Knox, State of Nebraska, and any person or corporation who shall acquire the same by mortgage foreclosure is hereby authorized and empowered to exercise the rights, powers, and privileges herein granted, to the same extent and as fully as though conferred directly upon such person or corporation, until such time as there shall have been recovered through the toll system an amount equal to the purchase price of such bridge and its approaches together with annual interest on the unpaid amount of such purchase price and the annual costs of maintenance, repair, and operation of such bridge during such period. Such bridge shall thereafter revert to and be maintained and operated by the county of Knox, State of Nebraska, free of tolls.

Assignment of powers and privileges.

Rights of persons, etc., acquiring such powers and privileges.

Reversion of bridge to Knox County.

Amendment, etc.

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 8, 1940.

[CHAPTER 288]

AN ACT

To authorize the county of Burt, State of Nebraska, to construct, maintain, and operate a toll bridge across the Missouri River at or near Decatur, Nebraska.

June 8, 1940

[H. R. 8589]

[Public, No. 577]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the county of Burt, State of Nebraska, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation at or near Decatur, Nebraska, and to a place at or near Onawa, Iowa, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Missouri River. Bridge authorized across, at Decatur, Nebr., and Onawa, Iowa.

34 Stat. 84.
33 U. S. C. §§ 491-498.

Right to acquire real estate, etc.

SEC. 2. There is hereby conferred upon the said county of Burt, State of Nebraska, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes, or by bridge corporations for bridge purposes, in the State in which such real estate or other property is situated upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said county of Burt, State of Nebraska, is hereby authorized to fix and charge tolls for transit over such bridge and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Toll charges.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge, the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed twenty years from the completion thereof.

Application of tolls to operation, sinking fund, etc.

Maintenance as free bridge after amortizing costs, etc.
Record of expenditures and receipts.

Assignment of powers and privileges.

Rights of persons, etc., acquiring such powers and privileges.

Reversion of bridge to Burt County.

Amendment, etc.

After a sinking fund sufficient for amortization shall have been so provided, said bridge shall thereafter be maintained and operated free of tolls. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to assign the powers and privileges conferred by this Act by mortgage for the purpose of financing the construction of such bridge is hereby granted to the county of Burt, State of Nebraska, and any person or corporation who shall acquire the same by mortgage foreclosure is hereby authorized and empowered to exercise the rights, powers, and privileges herein granted, to the same extent and as fully as though conferred directly upon such person or corporation, until such time as there shall have been recovered through the toll system an amount equal to the purchase price of such bridge and its approaches together with annual interest on the unpaid amount of such purchase price and the annual costs of maintenance, repair, and operation of such bridge during such period. Such bridge shall thereafter revert to and be maintained and operated by the county of Burt, State of Nebraska, free of tolls.

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 8, 1940.

[CHAPTER 289]

AN ACT

June 8, 1940
[H. R. 8749]

[Public, No. 578]

To extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Petersburg, Missouri.

Missouri River.
Time extended for bridging, at Petersburg, Mo.

53 Stat. 1238.

Amendment, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Missouri River, at or near Petersburg, Missouri, authorized to be built by the county of Howard, Missouri, by an Act of Congress approved August 7, 1939, are hereby extended one and three years, respectively, from August 7, 1940.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 8, 1940.

[CHAPTER 290]

AN ACT

June 8, 1940

[H. R. 8958]

[Public, No. 579]

To authorize the Secretary of the Interior to grant to the county of Wayne, State of Michigan, an easement over certain land of the United States in Wayne County, Michigan, for a sewage-disposal line.

Wayne County, Mich.
Easement over certain lands for sewage-disposal line.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to grant to the county of Wayne, State of Michigan, an easement over a twenty-foot strip of land situated along the Middle Branch of the Rouge River on the southeasterly side thereof across fisheries station property in the east half of the northeast quarter of section 9, township 1 south, range 8 east, Northville Township, Wayne County, Michigan, for the purpose of maintaining a sewer and sewage facilities thereon.

Approved, June 8, 1940.

[CHAPTER 291]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Winona, Minnesota.

June 8, 1940
[H. R. 9094]
[Public, No. 580]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Mississippi River, at or near Winona, Minnesota, authorized to be built by the States of Minnesota and Wisconsin, jointly or separately, by an Act of Congress approved June 28, 1938, as extended by an Act of Congress approved July 25, 1939, are hereby extended one and three years, respectively, from the date of approval of this Act.

Mississippi River.
Time extended for
bridging, at Winona,
Minn.

52 Stat. 1214; 53
Stat. 1082.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment, etc.

Approved, June 8, 1940.

[CHAPTER 292]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Saint Lawrence River at or near Ogdensburg, New York, and for other purposes.

June 8, 1940
[H. R. 9411]
[Public, No. 581]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Saint Lawrence River at or near Ogdensburg, New York, authorized to be built by the Saint Lawrence Bridge Commission and its successors and assigns, by an Act of Congress approved June 14, 1933, and heretofore extended by Acts of Congress approved June 8, 1934, May 28, 1935, April 11, 1936, August 12, 1937, and April 26, 1939, are hereby extended one and three years, respectively, from the date of approval of this Act.

Saint Lawrence
River.
Time extended for
bridging, at Ogdens-
burg, N. Y.

48 Stat. 141, 927;
49 Stat. 301, 1202; 50
Stat. 631; 53 Stat. 821.

SEC. 2. That so much of section 4 of the Act of June 14, 1933 (48 Stat. 141), which reads as follows: "The bridge constructed under the authority of this Act shall be deemed an instrumentality of international commerce authorized by the Government of the United States, and said bridge and ferry or ferries and the bonds issued in connection therewith and the income derived therefrom shall be exempt from all Federal, State, municipal, and local taxation.", is repealed, and in lieu thereof the following language is substituted in said section 4, to wit: "The bridge hereby authorized or the income therefrom shall be subject to Federal, State, municipal, or local taxation only to the extent that a like structure or the income therefrom owned and operated by a public authority or public agency of the State of New York shall be subject to taxation. The bonds or obligations of the Commission, from time to time outstanding, and the income derived therefrom shall be subject to taxation in the hands of the holders thereof."

Tax exemption,
repeal.
48 Stat. 143.

Taxation of bridge
or income therefrom;
extent.

Bonds, etc., taxa-
tion.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment, etc.

Approved, June 8, 1940.

[CHAPTER 293]

AN ACT

June 8, 1940
[H. R. 9441]
[Public, No. 582]

To accept the grant to the United States of certain land by the State of South Carolina and to authorize its use by the United States Coast Guard.

Sullivan's Island,
S. C.
Acceptance of cer-
tain land in.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right, title, and interest to and in, and jurisdiction over, the following-described lands, situated in the township of Sullivan's Island, in the county of Charleston, State of South Carolina, granted and ceded to the United States for the purposes of the United States Government by an act of the General Assembly of the State of South Carolina approved July 1, 1939, be, and the same are hereby, accepted by the United States:

Description.

All that tract, piece, or parcel of land, situate, lying, and being on the western end of Sullivan's Island, in the county of Charleston, State aforesaid, being all the land lying to the northward and westward of the western boundary of the road leading to Cove Inlet Bridge, and to the northward and westward of the west line of Church Street. The above tract of land shall specifically include lots numbered 1 through 17, inclusive, including the half lots, and also including all that portion of Middle Street which lies to the northward and westward of the west boundary of Church Street extended, together with the water lots and marshes; all of which is shown on map of Sullivan's Island Waterworks, made by the John McCrady Company, dated November 1937, and on file in the office of the Board of Township Commissioners for Sullivan's Island, South Carolina.

Use by U. S. Coast
Guard.

SEC. 2. That the premises embraced in the foregoing description so granted and ceded by the State of South Carolina and accepted by the United States may be used by the United States Coast Guard for its lawfully authorized purposes.

Acquisition of title,
etc.; availability of
funds.

SEC. 3. That the right, title, or interest of any person in or to any portion of the premises embraced in the foregoing description or any buildings, structures, or improvements thereon may be acquired by the use of funds in any available appropriation of the Coast Guard by the Secretary of the Treasury in behalf of the United States by donation, purchase, condemnation, or otherwise to satisfy the condition of section 2 of the aforesaid Act of the State of South Carolina approved July 1, 1939.

Approved, June 8, 1940.

[CHAPTER 294]

JOINT RESOLUTION

June 8, 1940
[H. J. Res. 260]
[Pub. Res., No. 78]

Authorizing the removal of the statue of John Marshall from its present site on the Capitol Grounds to a new site in proximity to the Supreme Court Building.

Statue of John Mar-
shall.
Removal of, to new
site, authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Architect of the Capitol is authorized and directed to move the statue of John Marshall from its present site on the Capitol Grounds to a new site either on the grounds of the Supreme Court Building or on the Capitol Grounds between the Capitol and the Supreme Court Building. Such new site shall be selected by the United States Supreme Court.

Selection of new
site.

Appropriation au-
thorized.

SEC. 2. There is authorized to be appropriated such sum as may be necessary to carry out the provisions of this joint resolution.

Approved, June 8, 1940.

[CHAPTER 295]

JOINT RESOLUTION

To authorize compacts or agreements between or among the States bordering on the Atlantic Ocean with respect to fishing in the territorial waters and bays and inlets of the Atlantic Ocean on which such States border, and for other purposes.

June 8, 1940
[H. J. Res. 302]
[Pub. Res., No. 79]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to any two or more of the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida, to enter into compacts or agreements, not in conflict with any law of the United States, for cooperative effort and mutual assistance for the uniform, common, or mutual regulation of fishing or of any species of fish, mollusks, or crustacea in the territorial waters and bays and inlets of the Atlantic Ocean on which such States border or to which their jurisdiction otherwise extends and of anadromous fish spawning in the inland waters of those States.

Atlantic Ocean.
Compacts between
States bordering on,
with respect to regu-
lation of fishing.

SEC. 2. The consent of Congress is hereby granted to States other than those specified but which have jurisdiction over inland waters frequented by anadromous fish of the sea to enter into compacts or agreements authorized by this Act.

Inland waters.
Compacts between
other States.

SEC. 3. The consent of Congress is hereby given to any of the aforementioned States to establish such agencies or authorities, joint or otherwise, as they may deem desirable for making effective compacts or agreements herein authorized.

Establishment of
State agencies, etc.

SEC. 4. Any such compact or agreement shall not be binding or obligatory upon the signatory States unless it has been approved by the legislatures of such States and by the Congress of the United States.

Approval by State
legislatures and Con-
gress.

SEC. 5. The right to alter, amend, or repeal this resolution is hereby expressly reserved.

Amendment, etc.

Approved, June 8, 1940.

[CHAPTER 301]

AN ACT

To amend section 5136 of the Revised Statutes, as amended, to authorize charitable contributions by national banking associations.

June 11, 1940
[S. 1904]
[Public, No. 583]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5136 of the Revised Statutes, as amended, is amended by adding at the end thereof the following new paragraph:

R. S. § 5136, amend-
ment.
12 U. S. C. § 24;
Supp. V, § 24.

"Eighth. To contribute to community funds, or to charitable, philanthropic, or benevolent instrumentalities conducive to public welfare, such sums as its board of directors may deem expedient and in the interests of the association, if it is located in a State the laws of which do not expressly prohibit State banking institutions from contributing to such funds or instrumentalities."

National banking
associations.
Contributions by,
to community funds,
etc.

Approved, June 11, 1940.

[CHAPTER 302]

AN ACT

June 11, 1940
[H. R. 8452]
[Public, No. 584]

To declare Frankford Creek, Pennsylvania, to be a nonnavigable stream.

Frankford Creek,
Philadelphia, Pa.
Declared nonnavigable stream.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Frankford Creek, in the city of Philadelphia, in the State of Pennsylvania, be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States.

Amendment, etc.

SEC. 2. That the right of Congress to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 11, 1940.

[CHAPTER 303]

AN ACT

June 11, 1940
[H. R. 9271]
[Public, No. 585]

To extend the existence of the Alaskan International Highway Commission for an additional four years, and for other purposes.

Alaskan International Highway Commission.

Post, p. 1044.
Extension of members' terms.

52 Stat. 590.

Report to President.

Transmission of, to Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the terms of the members of the Alaskan International Highway Commission appointed pursuant to the provisions of the Act entitled "An Act to create a Commission to be known as the Alaskan International Highway Commission", approved May 31, 1938, shall be six years in lieu of two years as provided by such Act.

SEC. 2. The last sentence of such Act of May 31, 1938, is amended to read as follows: "Said Commission shall, within two years after their appointment and at such other times as the Commission may deem advisable, report to the President the extent and results of their activities and of any conferences, relative to such highway, and the President shall transmit said reports to the Congress."

Approved, June 11, 1940.

[CHAPTER 304]

AN ACT

June 11, 1940
[H. R. 9394]
[Public, No. 586]

To provide for the establishment of the Cumberland Gap National Historical Park in Tennessee, Kentucky, and Virginia.

Cumberland Gap National Historical Park, Tenn., Ky., and Va.
Establishment of, upon acquisition of title to lands, etc., by U. S.

Provisos.
Restriction on use of funds.

Lands, etc., to be included.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when title to all the lands, structures, and other property in the Cumberland Gap-Cumberland Ford areas, being portions of the Warriors Path of the Indians and Wilderness Road of Daniel Boone, within Bell and Harlan Counties, Kentucky; Lee County, Virginia; and Claiborne County, Tennessee; as may be determined by the Secretary of the Interior as necessary or desirable for national historical park purposes, shall have been vested in the United States such area or areas shall be, and they are hereby, established, dedicated, and set apart as a public park for the benefit and inspiration of the people and shall be known as the "Cumberland Gap National Historical Park": *Provided*, That the United States shall not purchase by appropriation of public moneys any lands within the aforesaid areas: *Provided further*, That such area or areas shall include, at least, the following features and intervening lands: Cumberland Gap, The Pinnacle, the remaining fortifications of the War between the States, Soldiers Cave, King Solomon's Cave, Devils Garden, Sand Cave, The Doublings, White Rocks, Rocky Face, Moore Knob, and that portion of the Warriors Path and Daniel Boone's Wilderness Road extending from the city of Cumberland Gap, Tennessee, to Cumberland Ford, near Pineville, Kentucky.

SEC. 2. The total area of the Cumberland Gap National Historical Park, as determined pursuant to this Act, shall not exceed fifty thousand acres, and shall not include any land within the city limits of Middlesboro and Pineville, Kentucky; Cumberland Gap, Tennessee; or any lands adjacent thereto which the proper officials thereof shall indicate to the Secretary of the Interior prior to the establishment of said park are required for expansion of said cities.

SEC. 3. That the Secretary of the Interior be, and he is hereby authorized to accept donations of land, interests in land, buildings, structures, and other property within the boundaries of the said historical park as determined and fixed hereunder, and donations of funds for the purchase and maintenance thereof: *Provided*, That he may acquire on behalf of the United States out of any donated funds, by purchase at prices deemed by him reasonable, or by condemnation under the provisions of the Act of August 1, 1888, such tracts of land within said historical park as may be necessary for the completion thereof. The title to any lands or interests in lands to be acquired pursuant to this Act shall be satisfactory to the Secretary of the Interior.

SEC. 4. The administration, protection, and development of the aforesaid national historical park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service, and for other purposes", as amended.

Approved, June 11, 1940.

Limitation on area.

Lands excluded.

Acceptance of donations of land, etc., authorized.

Proviso.
Acquisition of certain lands from donated funds.

25 Stat. 357,
40 U. S. C. §§ 257, 258.

Administration, etc.

16 U. S. C. §§ 1-4;
Supp. V, §§ 1, 2.

[CHAPTER 305]

AN ACT

To postpone for one year the date of the transmission to Congress by the United States Coronado Exposition Commission of a statement of its expenditures.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act entitled "An Act authorizing Federal participation in the commemoration and observance of the four-hundredth anniversary of the explorations of Francisco Vazquez de Coronado", approved July 17, 1939, is amended to read as follows:

"SEC. 6. The Commission shall transmit to Congress on or before January 3, 1942, a detailed statement of the manner of expenditure of any funds appropriated pursuant to the authorization contained in this Act."

Approved, June 11, 1940.

June 11, 1940

[H. R. 9595]

[Public, No. 587]

Four-hundredth anniversary of the explorations of Francisco Vazquez de Coronado.
53 Stat. 1048.

Report to Congress.

[CHAPTER 306]

JOINT RESOLUTION

Providing for an annual appropriation to meet the share of the United States toward the expenses of the International Technical Committee of Aerial Legal Experts, and for participation in the meetings of the International Technical Committee of Aerial Legal Experts and the commissions established by that Committee.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of Public Resolution Numbered 254, approved August 7, 1935 (49 Stat. 540), which terminates the provisions of the resolution as of June 30, 1941, is hereby repealed.

Approved, June 11, 1940.

June 11, 1940

[H. J. Res. 490]

[Pub. Res., No. 80]

International Technical Committee of Aerial Legal Experts. Authorizations for appropriations.
22 U. S. C., Supp. V, § 266b.

[CHAPTER 307]

JOINT RESOLUTION

June 11, 1940
[H. J. Res. 496]
[Pub. Res., No. 81]

Providing for more uniform coverage under the Railroad Retirement Acts of 1935 and 1937, the Carriers Taxing Act of 1937, and subchapter B of chapter 9 of the Internal Revenue Code.

Railroad Retirement Act of 1937, amendments, 50 Stat. 308, 45 U. S. C., Supp. V, § 228a (c).
Proviso.
Individuals not deemed in service of employer.

50 Stat. 308, 45 U. S. C., Supp. V, § 228a (d).
Proviso.
Employment relation.

Amendments, operation and effect.

Railroad Retirement Act of 1935, amendments, 49 Stat. 968, 45 U. S. C., Supp. V, § 228a (c).
Proviso.
Individuals not deemed in service of carrier.

49 Stat. 968, 45 U. S. C., Supp. V, § 228a (d).
Proviso.
Employment relation.

Amendments, operation and effect.

Internal Revenue Code, amendments, 53 Stat. 182, 26 U. S. C., Supp. V, § 1532 (b).
Proviso.
Employment relation to carrier.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 1 of the Railroad Retirement Act of 1937, approved June 24, 1937 (50 Stat. 307), is hereby amended by changing the period at the end thereof to a colon and adding the following: "*Provided further,* That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date."

Subsection (d) of section 1 of said Act is hereby amended by substituting for the proviso therein the following: "*Provided, however,* That an individual shall not be deemed to be in the employment relation to an employer unless during the last pay-roll period in which he rendered service to it he was with respect to that service in the service of an employer in accordance with subsection (c) of this section."

The amendments in this section shall operate in the same manner and have the same effect as if they had been part of the Railroad Retirement Act of 1937 when that Act was enacted on June 24, 1937.

SEC. 2. Subsection (c) of section 1 of the Railroad Retirement Act of 1935, approved August 29, 1935 (49 Stat. 967), is hereby amended by changing the period at the end thereof to a colon and adding the following: "*Provided, however,* That an individual not a citizen or resident of the United States shall not be deemed to be in the service of a carrier when rendering service outside the United States to a carrier conducting the principal part of its business in the United States if such carrier is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date."

Subsection (d) of section 1 of said Act is hereby amended by changing the period at the end thereof to a colon and adding the following: "*Provided, however,* That an individual shall not be deemed to be in the employment relation to a carrier unless during the last pay-roll period in which he rendered service to it he was with respect to that service in the service of a carrier in accordance with subsection (c) of this section."

The amendments in this section shall operate in the same manner and have the same effect as if they had been part of the Railroad Retirement Act of 1935 when that Act was enacted on August 29, 1935.

SEC. 3. Subsection (b) of section 1532 of the Internal Revenue Code, approved February 10, 1939 (53 Stat. 1), is hereby amended by substituting for the second proviso therein the following: "*Provided, however,* That an individual shall not be deemed to be in the employment relation to a carrier unless during the last pay-roll period in which he rendered service to it he was with respect to that service in the service of an employer in accordance with subsection (d) of this section."

Subsection (d) of section 1532 of said code is hereby amended by changing the period at the end thereof to a colon and adding the following: "*Provided further*, That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date."

The amendments in this section shall operate in the same manner and have the same effect as if they had been part of the Internal Revenue Code when that code was enacted on February 10, 1939, and as if they had been part correspondingly of subsections (b) and (d) of the Carriers Taxing Act of 1937 (50 Stat. 435) when that Act was enacted on June 29, 1937.

Approved, June 11, 1940.

53 Stat. 182,
26 U. S. C., Supp.
V, § 1532 (d).
Proviso.
Individuals not
deemed in service of
employer.

Laws applicable.

Amendments, oper-
ation and effect.

50 Stat. 436,
45 U. S. C., Supp.
V, § 261 (b), (d).

[CHAPTER 313]

AN ACT

Making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1941, and for other purposes.

June 11, 1940
[H. R. 8438]
[Public, No. 588]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Navy Department and the naval service for the fiscal year ending June 30, 1941, namely:

Navy Department
and naval service, ap-
propriations, fiscal
year 1941.

TITLE I—GENERAL APPROPRIATIONS

Post, pp. 292, 604,
609, 875, 971.

NAVAL ESTABLISHMENT

OFFICE OF THE SECRETARY

Post, pp. 292, 604,
875, 972, 1043.

MISCELLANEOUS EXPENSES

Post, pp. 292, 604,
875, 972.

For traveling expenses of civilian employees, including not to exceed \$7,000 for the expenses of attendance, at home and abroad, upon meetings of technical, professional, scientific, and other similar organizations when, in the judgment of the Secretary of the Navy, such attendance would be of benefit in the conduct of the work of the Navy Department; not to exceed \$2,000 for the part-time or intermittent employment in the District of Columbia or elsewhere of such experts and at such rates of compensation as may be contracted for by and in the discretion of the Secretary of the Navy; expenses of courts martial, purchase of law and reference books, expenses of prisoners and prisons, courts of inquiry, boards of investigations, examining boards, clerical assistance; witnesses' fees and traveling expenses; not to exceed \$20,000 for promoting accident prevention and safety in shore establishments of the Navy, to be expended in the discretion of the Secretary of the Navy; newspapers and periodicals for the naval service; all advertising of the Navy Department and its bureaus (except advertising for recruits for the Bureau of Navigation); costs of suits; relief of vessels in distress; recovery of valuables from shipwrecks; maintenance of attachés abroad, including office rental and pay of employees, and not to exceed \$23,800 (composed of "A" item, \$17,500, and "B" item, \$6,300) in the aggregate or \$900 for any one person for allowances for living quarters,

Miscellaneous ex-
penses.

Experts.

Courts martial, etc.

Accident preven-
tion, shore establish-
ments.

Living quarters, etc.

including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C., 118a); for contingencies for the Director of Naval Intelligence, to be expended in his discretion, not to exceed \$2,000; the collection and classification of information; not to exceed \$462,000 (composed of "A" item, \$224,000, and "B" item, \$238,000) for telephone, telegraph, and teletype rentals and tolls, telegrams, radiograms, and cablegrams; postage, foreign and domestic, and post-office box rentals; necessary expenses for interned persons and prisoners of war under the jurisdiction of the Navy Department, including funeral expenses for such interned persons or prisoners of war as may die while under such jurisdiction; payment of claims for damages as provided in the Act making appropriations for the naval service for the fiscal year 1920, approved July 11, 1919 (34 U. S. C. 600); and other necessary and incidental expenses; in all, \$1,940,990 (composed of "A" item, \$1,379,190, and "B" item, \$561,800): *Provided*, That no part of any appropriation contained in this Act shall be available for the expense of any naval district in which there may be an active navy yard, naval training station, or naval operating base, unless the commandant of the naval district shall be also the commandant of one of such establishments: *Provided further*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$705,000 (composed of "A" item, \$520,000, and "B" item, \$185,000).

46 Stat. 818.

Telegrams, etc.

Damage claims.

41 Stat. 132.

Provisos.
Restrictions on use
of appropriations.
Post, p. 875.

Group IV (b) em-
ployees.

CONTINGENT, NAVY

Contingent, Navy. For all emergencies and extraordinary expenses, exclusive of personal services, in the Navy Department or any of its subordinate bureaus or offices at Washington, District of Columbia, arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper, and his determination thereon shall be final and conclusive upon the accounting officers of the Government, and for examination of estimates for appropriations and of naval activities in the field for any branch of the naval service, \$30,000 ("A" item), of which \$2,500 shall be available immediately.

CARE OF LEPERS, AND SO FORTH, ISLAND OF GUAM

Care of lepers, etc.,
Guam, and Culion,
P. I.

Naval station, Island of Guam: For maintenance and care of lepers, special patients, and for other purposes, including cost of transfer of lepers from Guam to the island of Culion, in the Philippines, and their maintenance, \$24,580; for educational purposes, \$15,000; in all, \$39,580 ("A" item).

NAVAL RESEARCH LABORATORY

Laboratory and re-
search work.

For laboratory and research work and other necessary work of the Naval Research Laboratory for the benefit of the naval service, including operation and maintenance of a laboratory, additions to equipment necessary properly to carry on work in hand, maintenance of buildings and grounds, temporary employment of such scientific and technical civilian assistants as may become necessary, and subscriptions to technical periodicals, to be expended under the direction of the Secretary of the Navy \$653,350 ("A" item): *Provided*, That \$160,000 of this appropriation shall be available for the temporary employment of civilian scientists and technicians required on

Provisos.
Temporary employ-
ment of scientists, etc.

special problems: *Provided further*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$250,000, in addition to the amount authorized by the preceding proviso.

Group IV (b) employees.

OPERATION AND CONSERVATION OF NAVAL PETROLEUM RESERVES

To enable the Secretary of the Navy to carry out the provisions contained in the Act approved June 4, 1920, as amended (34 U. S. C., Supp. IV, 524), requiring him to conserve, develop, use, and operate the naval petroleum reserves, \$71,500 ("A" item), of which amount not to exceed \$25,000 shall be available for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department: *Provided*, That out of any sums appropriated for naval purposes by this Act, any portion thereof, not to exceed \$10,000,000, shall be available to enable the Secretary of the Navy to protect Naval Petroleum Reserve Numbered 1, established by Executive order of September 2, 1912, pursuant to the Act of June 25, 1910 (43 U. S. C. 141-143), by drilling wells and performing any work incident thereto, of which amount not to exceed \$100,000 shall be available for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department: *Provided further*, That no part of the sum made available for the protection of this property shall be expended if a satisfactory agreement can be made with adjoining landowners not to drill offset wells for the purpose of producing oil.

Conservation, operation, etc.
41 Stat. 813.
Post, p. 648.
34 U. S. C. § 524; Supp. V, § 524.
Group IV (b) employees.

Provisos.
Protective work on Reserve No. 1.

36 Stat. 847.
Group IV (b) employees.

Agreement not to drill offset wells on adjoining lands.

NAVAL PRISON FARMS AND PRISON PERSONNEL

For the operation, maintenance, and improvement of naval prison farms and for the welfare, recreation, and education of prison personnel, to be expended under such regulations as the Secretary of the Navy may prescribe, \$12,000 ("A" item): *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Operation, etc.

Proviso.
Limitation on expenditures.
48 Stat. 1227.
31 U. S. C. § 725c.

BUREAU OF NAVIGATION

TRAINING, EDUCATION, AND WELFARE, NAVY

Naval War College: For maintenance and operation, including repairs, improvements, and care of grounds; services of a professor of international law, \$2,000; services of lecturers, \$2,000; and other civilian services; library expenses, including the purchase, binding, and repair of books and periodicals and subscriptions to newspapers and periodicals; and including contingencies of the president of the Naval War College, to be expended in his discretion, not exceeding \$1,000; and for other necessary expenses, \$131,300 ("A" item);

Naval training stations: For maintenance, operation, and other necessary expenses, including repairs, improvements, and care of grounds of the naval training stations which follow:

San Diego, California, \$186,644 (composed of "A" item, \$167,000, and "B" item, \$19,644);

Newport, Rhode Island, \$205,930 (composed of "A" item, \$158,000, and "B" item, \$47,930);

Post, pp. 292, 295, 604, 875.

Post, pp. 295, 875.

Naval War College, maintenance, etc.

Naval training stations.
Post, p. 295.

Great Lakes, Illinois, \$283,930 (composed of "A" item, \$247,000, and "B" item, \$36,930);

Norfolk, Virginia, \$358,936 (composed of "A" item, \$255,000, and "B" item, \$103,936);

Fleet training; gunnery, etc., prizes.

Fleet training: For trophies and badges for excellence in gunnery, target practice, communication, engineering exercises, and for economy in fuel consumption, to be awarded under such rules as the Secretary of the Navy may formulate; for the purpose of recording, classifying, compiling, and publishing the rules and results; for the establishment and maintenance of shooting galleries, target houses, targets, and ranges; for hiring established ranges, and for transporting equipment to and from ranges; entrance fees in matches for the rifle team, and special equipment therefor, \$70,000 ("A" item).

Instruction.
Post, p. 295.
Retirement annuities.

49 Stat. 1092.
34 U. S. C., Supp. V, §§ 1073-1073e.

Instruction: For postgraduate instruction of officers in other than civil government and literature, including such amounts as may be necessary to carry out the provisions of the Act approved January 16, 1936 (34 U. S. C. 1073), and for special instruction, education, and individual training of officers and enlisted men at home and abroad, including maintenance of students abroad, except aviation training and submarine training otherwise appropriated for, \$231,000 ("A" item): *Provided*, That no part of this or any other appropriation contained in this Act shall be available for or on account of any expense incident to giving special educational courses or post graduate instruction to officers with view to qualifying them or better qualifying them for the performance of duties required to be performed by or in pursuance of law by officers of the Supply Corps, Construction Corps, or Corps of Civil Engineers, except present students and except such officers who are commissioned in such corps or who have not been commissioned in the line of the Navy more than three years and four months prior to the commencement of such educational courses or postgraduate instruction;

Proviso.
Restriction on use of funds for special educational courses, etc.

Exceptions.

Libraries.
Post, p. 295.

Libraries: For libraries, professional books, textbooks and religious books for ships and shore stations not otherwise appropriated for, \$79,000 (composed of "A" item, \$65,000, and "B" item, \$14,000);

Welfare and recreation.
Post, p. 295.

Welfare and recreation: For welfare and recreation of the Navy, including periodicals and newspaper subscriptions, and not exceeding \$4,180 for care and operation of schools at naval stations at Guantanamo Bay, Guam, and Tutuila, for the children of Naval and Marine Corps commissioned, enlisted, and civilian personnel, to be expended in the discretion of the Secretary of the Navy, under such regulations as he may prescribe, \$305,000 ("A" item);

Naval Reserve Officers' Training Corps.
Post, p. 875.

Naval Reserve Officers' Training Corps: For all expenses incident to the conduct of the Naval Reserve Officers' Training Corps under such regulations as the President has prescribed or hereafter may prescribe under the provisions of section 22 of the Act approved March 4, 1925, as amended by the Act of August 6, 1937 (34 U. S. C. 821), \$164,000 ("A" item): *Provided*, That uniforms and other equipment or material issued to the Naval Reserve Officers' Training Corps in accordance with law may be furnished from surplus or reserve stocks of the Navy without payment under this appropriation, except for actual expenses incurred in the manufacture or issue;

43 Stat. 1276; 50 Stat. 563.
34 U. S. C., Supp. V, § 821.
Proviso.
Uniforms, equipment, etc.

Total.
Proviso.
Group IV (b) employees.

In all, training, education, and welfare, Navy, \$2,015,740 (composed of "A" item, \$1,793,300, and "B" item, \$222,440): *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department, exclusive of temporary services, shall not exceed the following amounts, respectively: Naval War College, \$77,000; Naval Training Station, San

Diego, \$3,050; Naval Training Station, Newport, \$9,240 (composed of "A" item, \$7,800, and "B" item, \$1,440); Naval Training Station, Great Lakes, \$16,720 (composed of "A" item, \$12,400, and "B" item, \$4,320); Naval Training Station, Norfolk, \$2,100; Instruction, \$23,786; Libraries, \$19,320; Welfare and Recreation, \$4,600.

STATE MARINE SCHOOLS, ACT OF MARCH 4, 1911

To reimburse the State of California, \$25,000; the State of Massachusetts, \$25,000; the State of New York, \$25,000; and the State of Pennsylvania, \$25,000, for expenses incurred in the maintenance and support of marine schools in such States as provided in the Act authorizing the establishment of marine schools, and so forth, approved March 4, 1911 (34 U. S. C. 1121), and for the maintenance and repair of the particular vessels loaned by the United States to the said States on the date of the approval of this Act for use in connection with such State marine schools, \$90,000, and no other vessels shall be furnished by or through the Navy Department; in all, \$190,000 ("A" item).

Reimbursement of designated States for expenses.

36 Stat. 1353.
34 U. S. C., Supp. V, § 1121.
Maintenance, etc., of vessels loaned.

INSTRUMENTS AND SUPPLIES, NAVY

For supplies for seamen's quarters; and for the purchase of all other articles of equipage at home and abroad; and for the payment of labor in equipping vessels therewith and manufacture of such articles in the several navy yards; all pilotage and towage of ships of war; canal tolls, wharfage, dock and port charges, and other necessary incidental expenses of a similar nature; hire of launches or other small boats in Asiatic waters; quarantine expenses; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments and repairs to same; compasses; compass fittings including binnacles, tripods, and other appendages of ship's compasses; logs and other appliances for measuring the ship's way and leads and other appliances for sounding; photographs, photographic instruments and materials, printing outfit and materials; music and musical instruments; commissions, warrants, diplomas, discharges, good-conduct badges, and medals for men and boys; transportation of effects of deceased officers, nurses, and enlisted men of the Navy, and of officers and men of the Naval Reserve who die while on duty; not to exceed \$5,000 for contingent expenses and emergencies arising under cognizance of the Bureau of Navigation, unforeseen and impossible to classify; and for the necessary civilian electricians for gyrocompass testing and inspection, \$855,000 (composed of "A" item, \$755,000, and "B" item, \$100,000): *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$38,000.

Instruments and supplies.

Proviso.
Group IV (b) employees.

OCEAN AND LAKE SURVEYS, NAVY

For hydrographic surveys, including the pay of the necessary hydrographic surveyors, cartographic draftsmen, and recorders, and for the purchase of nautical books, charts, and sailing directions, \$90,000 (composed of "A" item, \$85,000, and "B" item, \$5,000): *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed

Hydrographic surveys.

Provisos.
Group IV (b) employees.

Details to Washing-
ton.

\$34,500: *Provided further*, That not exceeding three hydrographic surveyors may be detailed at any one time to the Hydrographic Office, Washington, District of Columbia.

Post, pp. 292, 604,
875.

Organizing, recruit-
ing, etc.
52 Stat. 1175.
34 U. S. C., Supp.
V, §§ 852-853i, 842-848.
Post, p. 292.

Naval and Marine
Corps Reserve, avia-
tion activities.

Group IV (b) em-
ployees.

Provisos.
Drills, limitation.
Post, p. 604.

Reserve officers per-
forming active duty.
Post, p. 604.

Pay, allowances,
etc., restriction.
Post, p. 875.

NAVAL RESERVE

For all expenses not otherwise provided for, authorized by the "Naval Reserve Act of 1938", and the Act approved April 15, 1935 (49 Stat. 156), as amended, in connection with organizing, administering, recruiting, instructing, training, and drilling the Naval Reserve, including the designing, purchasing, and engraving of medals and trophies; medical supplies and equipment; purchase, maintenance, and operation of ambulances; aviation matériel, equipment, and fuel in connection with the aviation activities of the Naval and Marine Corps Reserve; maintenance and operation of floating equipment; and rental, maintenance, and operation of such shore stations as may be required in connection with Naval Reserve activities, \$12,068,000 (composed of "A" item, \$8,340,000, and "B" item, \$3,728,000), of which amount not more than \$8,985,342 (composed of "A" item, \$5,257,342, and "B" item, \$3,728,000) shall be available, in addition to other appropriations, for and on account of Naval and Marine Corps Reserve aviation; not more than \$3,082,658 shall be available, in addition to other appropriations, for all other Naval Reserve activities; and not more than \$98,000 shall be available for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department: *Provided*, That no part of any of the foregoing amounts shall be available for the performance of more than forty-eight drills per annum or other equivalent instruction or duty or appropriate duties: *Provided further*, That, except in time of war or during the existence of a national emergency declared by the President, and excepting officers on aviation duties, no appropriation contained in this Act shall be available to pay more than twenty-three officers of the Naval Reserve and four officers of the Marine Corps Reserve above the grade of lieutenant or captain, respectively, the pay and allowances of their grade for the performance of active duty other than the performance of drills or other equivalent instruction or duty, or appropriate duties and the performance of fifteen days' active training duty, and other officers above such grades employed on such class of active duty (not to exceed four months in any calendar year) shall not be entitled to be paid a greater rate of pay and allowances than authorized by law for a lieutenant of the Navy or a captain of the Marine Corps entitled to not exceeding ten years' longevity pay: *Provided further*, That no appropriation made in this Act shall be available for pay, allowances, travel, or other expenses of any officer or enlisted men of the Naval or Marine Corps Reserve who may be drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States, and "retired pay" as here used shall not include the pay of members of the Fleet Reserve, Fleet Marine Corps Reserve, or members on the honorary retired list of such Reserve forces.

NAVAL ACADEMY

Pay of professors,
etc.

49 Stat. 1092.
34 U. S. C., Supp.
V, §§ 1073-1073e.
Proviso.
Swordsmanship,
etc., instruction.

Pay, Naval Academy: For pay of professors and instructors, including one professor as librarian, and such amounts as may be necessary to carry out the provisions of the Act approved January 16, 1936 (34 U. S. C. 1073), \$296,523 ("A" item): *Provided*, That this appropriation shall not be available for the employment of more than nine masters and instructors in swordsmanship and physical training.

For pay of other employees, \$625,410 ("A" item): *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules, in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department, shall not exceed \$261,714.

Current and miscellaneous expenses, Naval Academy: For text and reference books for use of instructors; stationery, blank books and forms, models, maps, newspapers, and periodicals; apparatus and materials for instruction in physical training and athletics; expenses of lecturers and entertainments, not exceeding \$3,000, including pay and expenses of lecturers and visiting clergymen; chemicals, philosophical apparatus and instruments, stores, machinery, tools, fittings, apparatus, materials for instruction purposes, and purchase of and engraving of trophies and badges, \$50,600; for purchase, binding, and repair of books for the library (to be purchased in the open market on the written order of the Superintendent), \$5,500; for expenses of the Board of Visitors to the Naval Academy, \$1,200; for contingencies for the Superintendent of the Academy, to be expended in his discretion, not exceeding \$4,000; for contingencies for the commandant of midshipmen, to be expended in his discretion, not exceeding \$1,200; in all, \$62,500 ("A" item), to be accounted for as one fund.

Maintenance and repairs, Naval Academy: For necessary repairs of public buildings, wharves, and walls enclosing the grounds of the Naval Academy, accident prevention, improvements, repairs, and fixtures; for books, periodicals, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants, machinery; purchase and maintenance of all horses and horse-drawn vehicles for use at the academy, including the maintenance, operation, and repair of three horse-drawn passenger-carrying vehicles to be used only for official purposes; seeds and plants; tools and repairs of the same; stationery; furniture for Government buildings and offices at the academy, including furniture for midshipmen's rooms; coal and other fuels; candles, oil, and gas; attendance on light and power plants; cleaning and clearing up station and care of buildings; attendance on fires, lights, fire engines, fire apparatus, and plants, and telephone, telegraph, and clock systems; incidental labor, advertising, water tax, postage, telephones, telegrams, tolls, and ferriage; flags and awnings; packing boxes; pay of inspectors and draftsmen; and music and astronomical instruments, \$1,177,000 ("A" item), of which amount \$85,000 shall be immediately available, and \$2,000 shall be available exclusively on account of the collection of ship models bequeathed by the late Henry H. Rogers: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$30,239.

NAVAL HOME, PHILADELPHIA, PENNSYLVANIA

For pay of employees, \$123,000 ("A" item): *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$20,000;

Maintenance: For water rent, heating, and lighting; cemetery, burial expenses, and headstones; general care and improvements of grounds, buildings, walls, and fences; repairs to power-plant equip-

Other employees.
Proviso.
Group IV (b) employees.

Current, etc., expenses.

Lecturers, etc.

Books, purchase, repair, etc.

Board of Visitors.

Maintenance and repairs.

Horses, vehicles, etc.

Furniture.

Ship models bequeathed by Henry H. Rogers.

Proviso.
Group IV (b) employees.

Pay of employees.
Proviso.
Group IV (b) employees.

Maintenance.

Employment of beneficiaries.

ment, implements, tools, and furniture, and purchase of the same; music in chapel and entertainment for beneficiaries; stationery, books, and periodicals; transportation of indigent and destitute beneficiaries to the Naval Home, and of sick and insane beneficiaries, their attendants and necessary subsistence for both, to and from other Government hospitals; employment of such beneficiaries in and about the Naval Home as may be authorized by the Secretary of the Navy, on the recommendation of the governor; support of beneficiaries and all other contingent expenses, including the maintenance, repair, and operation of two motor-propelled vehicles, and one motor-propelled passenger-carrying vehicle to be used only for official purposes, \$179,880 ("A" item);

In all, Naval Home, \$302,880 ("A" item).

Post, pp. 293, 296, 493, 605, 876, 972.

Post, pp. 293, 296, 605.

Repairs, preservation of machinery, etc.

Exceptions.

Equipage, supplies, etc.

Field force.

Annapolis, Md., engineering experiment station.
Scientists, etc.

Proviso.
Group IV (b) employees.

Post, pp. 293, 296, 493, 605, 876, 972.

Post, pp. 293, 296, 605.

Designing of naval vessels, etc.

BUREAU OF ENGINEERING

ENGINEERING

For repairs, preservation, and renewal of machinery, auxiliary machinery, and boilers of naval vessels, yard craft, and ships' boats, distilling and refrigerating apparatus; repairs, preservation, and renewals of electric interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate machinery belonging to other bureaus; searchlights and fire-control equipments for anti-aircraft defense at shore stations; maintenance and operation of coast signal service; equipage, supplies, and materials under the cognizance of the Bureau required for the maintenance and operation of naval vessels, yard craft, and ships' boats; purchase, installation, repair, and preservation of machinery, tools, and appliances in navy yards and stations, accident prevention, pay of classified field force under the Bureau; incidental expenses for naval vessels, navy yards, and stations, inspectors' offices, the engineering experiment station, such as photographing, technical books and periodicals, stationery, and instruments; services, instruments, machines and auxiliaries, apparatus and supplies, and technical books and periodicals necessary to carry on experimental and research work; maintenance and equipment of buildings and grounds at the engineering experiment station, Annapolis, Maryland; payment of part-time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicians as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding \$25 per diem for any persons so employed, and payment of the travel expenses of such persons if they be members of the Naval Reserve ordered to active duty; in all, \$40,374,080 (composed of "A" item, \$37,494,080, and "B" item, \$2,880,000), of which amount \$2,000,000 ("B" item) shall be immediately available: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$2,340,000 (composed of "A" item, \$2,250,000, and "B" item, \$90,000).

BUREAU OF CONSTRUCTION AND REPAIR

CONSTRUCTION AND REPAIR

For designing naval vessels, including services, instruments apparatus, and materials necessary for experimental and research work; payment of part-time or intermittent employment in the District

of Columbia, or elsewhere, of such scientists and technicians as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding \$25 per diem for any person so employed, and payment of the travel expenses of such persons if they be members of the Naval Reserve ordered to active duty; maintenance, repairs, and alterations of vessels; care and preservation of vessels out of commission; docking of vessels; salvage and salvage services for naval floating property; acquisition and conversion or construction and repair of district and yard craft; purchase and manufacture of equipage, appliances, supplies, and materials at home and abroad as required for the maintenance, repair, alteration, and operation of naval vessels and district and yard craft; carrying on work of the experimental model basin and wind tunnel; tools and appliances for all purposes in navy yards and naval stations; labor in navy yards and naval stations and elsewhere at home and abroad; accident prevention; pay of classified field force, including employees in material inspection and superintending constructors' offices; incidental expenses at navy yards and naval stations and in material inspection and superintending constructors' offices such as photographing, technical and professional books and magazines, plans, stationery, drafting instruments, and other materials \$33,008,100 (composed of "A" item, \$30,280,300 and "B" item, \$2,727,800), of which amount \$2,000,000 ("B" item) shall be immediately available: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$1,875,500 (composed of "A" item, \$1,655,000, and "B" item, \$220,500).

Maintenance, etc.,
of vessels.Equipage, supplies,
etc.

Field force.

Proviso.
Group IV (b) em-
ployees.

BUREAU OF ORDNANCE

Post, pp. 293, 296,
605, 876, 972.

ORDNANCE AND ORDNANCE STORES, NAVY

Post, pp. 293, 296,
605, 876, 972.

For procuring, producing, preserving, and handling ordnance material for the armament of ships; for the purchase and manufacture of torpedoes and appliances; for the purchase and manufacture of smokeless powder; for fuel, material, and labor to be used in the general work under the cognizance of the Bureau of Ordnance; for furniture at naval ammunition depots, torpedo stations, naval ordnance plants, and proving grounds; for technical books, and periodicals; plant appliances as now defined by the "Navy Classification of Accounts"; for machinery and machine tools; for accident prevention; for experimental work in connection with the development of ordnance material for the Navy; for maintenance of proving grounds, powder factory, torpedo stations, gun factory, ammunition depots, and naval ordnance plants, and for target practice; not to exceed \$20,000 for minor improvements to buildings, grounds, and appurtenances of a character which can be performed by regular station labor; for payment of part-time or intermittent employment in the District of Columbia, or elsewhere, of such scientists and technicians as may be contracted for by the Secretary of the Navy in his discretion at a rate of pay not exceeding \$20 per diem for any person so employed, and payment of the travel expenses of such persons if they be members of the Naval Reserve ordered to active duty; for the maintenance, repair, and operation of horse-drawn and motor-propelled freight and passenger-carrying vehicles, to be used only for official purposes at naval ammunition depots, naval proving grounds, naval ordnance plants, and naval torpedo stations; for the pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, naval ordnance

Procuring, preserv-
ing, etc.Fuel, material, and
labor.

Experimental work.

Scientists, etc.

Vehicles.

Schools.

Proviso.
Group IV (b) em-
ployees.

plants, and naval ammunition depots, and for care and operation of schools at ordnance stations at Indianhead, Maryland; Dahlgren, Virginia; and South Charleston, West Virginia, \$31,978,908 (composed of "A" item, \$27,550,048, and "B" item, \$4,428,860: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$1,460,000.

Post, pp. 293, 295,
605, 876, 972.

BUREAU OF SUPPLIES AND ACCOUNTS

Post, pp. 293, 295.

PAY, SUBSISTENCE, AND TRANSPORTATION OF NAVAL PERSONNEL

Pay of naval per-
sonnel.

Aerial flights, in-
creased pay; restric-
tions.

Rent; subsistence.

Retired officers.

Hire of quarters.

Enlisted men on re-
tired list.

Reserve officers on
active duty.

Prizes.

Outfits; clothing.

Reimbursement for
certain losses.

Nurse Corps.

Pay of naval personnel: For pay and allowances prescribed by law of officers on sea duty and other duty, and officers on waiting orders, pay \$37,089,586, including not to exceed \$1,976,991 for increased pay for officers of the Regular Navy for making aerial flights, no part of which shall be available for increased pay for making aerial flights by more than five officers above the rank of captain, nor by nonflying officers or observers at rates in excess of those prescribed by law for the Army, which shall be the legal maximum rates as to such nonflying officers or observers; rental allowance, \$7,588,406; subsistence allowance, \$4,667,576; in all, \$49,345,568; officers on the retired list, \$13,366,508 (composed of "A" item, \$10,969,308 and "B" item, \$2,397,200); for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, and hire of quarters for officers and enlisted men on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable, \$7,525; pay of enlisted men on the retired list, \$10,363,766; interest on deposits by men, \$11,568; pay of petty officers, in addition to chief petty officers of the Naval Reserve called to active duty (not to exceed an average of eleven thousand four hundred and forty chief petty officers, of which number those with a permanent appointment as chief petty officer shall not exceed an average of nine thousand nine hundred and ninety-three, seamen, landsmen, and apprentice seamen, including men in the engineer's force and men detailed for duty with the Bureau of Fisheries, enlisted men, men in trade schools, pay of enlisted men of the Hospital Corps, extra pay for men as authorized by law, and cash prizes (not to exceed \$148,750 (composed of "A" item, \$120,500, and "B" item, \$28,250)) for men for excellence in gunnery, target practice, communication, and engineering competition, \$120,819,388 (composed of "A" item, \$103,414,821, and "B" item, \$17,404,567); outfits for all enlisted men and apprentice seamen of the Navy on first enlistment, civilian clothing not to exceed \$15 per man to men given discharges for bad conduct or undesirability or inaptitude, reimbursement in kind of clothing to persons in the Navy for losses in cases of marine or aircraft disasters or in the operation of water- or air-borne craft, and the authorized issue of clothing and equipment to the members of the Nurse Corps, \$2,068,284; pay of enlisted men undergoing sentence of court martial, \$47,200 (composed of "A" item, \$38,940, and "B" item, \$8,260), and as many machinists as the President may from time to time deem necessary to appoint; pay and allowances of the Nurse Corps, including assistant superintendents, directors, and assistant directors—pay, \$618,980 (composed of "A" item, \$536,980, and "B" item, \$82,000); rental allowance, \$38,400;

subsistence allowance, \$26,280 (composed of "A" item, \$25,185, and "B" item, \$1,095); pay retired list, \$341,067; in all, \$1,024,727 (composed of "A" item, \$941,632, and "B" item, \$83,095); rent of quarters for members of the Nurse Corps; pay and allowances of transferred and assigned men of the Fleet Naval Reserve, \$18,515,785 (composed of "A" item, \$16,500,000, and "B" item, \$2,015,785); reimbursement for losses of property as provided in the Act approved October 6, 1917 (34 U. S. C. 981, 982), as amended by the Act of March 3, 1927 (34 U. S. C. 983), \$10,000; payment of six months' death gratuity, \$240,240 (composed of "A" item, \$192,640 and "B" item, \$47,600); in all, \$215,820,559 (composed of "A" item, \$193,864,052, and "B" item, \$21,956,507); and, except during war or national emergency declared by the President to exist, no part of such sum shall be available to pay active-duty pay and allowances to officers on the retired list, except seven for assignments filled on September 30, 1937, exclusive of the assignments at the Naval Mine Depot, Yorktown, Virginia, and in the Treasury Department, three for duty exclusively with the Maritime Commission, two for duty exclusively in connection with the naval petroleum reserves, one for duty as curator of the Naval Academy Museum, and one for duty at the Naval Gun Factory, Washington, District of Columbia, and except retired officers temporarily ordered to active duty as members of retiring and selection boards as authorized by law: *Provided*, That, except for the public quarters occupied by the Chief of Office of Naval Operations, the Superintendent of the Naval Academy, and the Commandant of the Marine Corps, and messes temporarily set up on shore for officers attached to seagoing vessels, to aviation units based on seagoing vessels including officers' messes at the naval air stations, and to landing forces and expeditions, and in addition not to exceed fifty-nine in number at such places as shall be designated by the Secretary of the Navy, no appropriation contained in this Act shall be available for the pay, allowances, or other expenses of any enlisted man or civil employee performing service in the residence or quarters of an officer or officers on shore as a cook, waiter, or other work of a character performed by a household servant, but nothing herein shall be construed as preventing the voluntary employment in any such capacity of a retired enlisted man or a transferred member of the Fleet Reserve without additional expense to the Government, nor the sale of meals to officers by general messes on shore as regulated by detailed instructions from the Navy Department;

Subsistence of naval personnel: For provisions and commuted rations for enlisted men of the Navy, which commuted rations shall be paid at the rate of 50 cents per diem, and midshipmen at 75 cents per diem, and commuted rations stopped on account of sick in hospital and credited at the rate of 70 cents per ration to the naval hospital fund; subsistence of men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); quarters and subsistence of men on detached duty; subsistence of members of the Naval Reserve during period of active service; subsistence in kind at hospitals and on board ship in lieu of subsistence allowance of female nurses and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement; in all, \$27,260,651 (composed of "A" item, \$22,330,976, and "B" item, \$4,929,675): *Provided*, That no part of this or any other appropriation contained in this Act shall be available for the procurement of any article of food not grown or produced in the United States or its possessions, except articles

Fleet Naval Reserve.

Property losses.

40 Stat. 389; 44 Stat. 1368.

Active-duty pay, etc., to retired officers; restriction.

Exceptions.

Proviso.
Enlisted men as household servants.

Voluntary services.

Sale of meals to officers.

Subsistence of naval personnel.

Unavoidable absences.

Detached duty.
Naval Reserve, active duty.

Proviso.
Procurement of food articles not produced in U. S., restriction.

	of food not so grown or produced or which cannot be procured in sufficient quantities as and when needed, and except procurements by vessels in foreign waters and by establishments located outside the continental United States, except the Territories of Hawaii and Alaska, for the personnel attached thereto;
Transportation and recruiting.	Transportation and recruiting of naval personnel: For mileage and actual and necessary expenses and per diem in lieu of subsistence as authorized by law to officers of the Navy while traveling under orders, including the cost of a compartment or such other accommodations, as may be authorized by the Secretary of the Navy, for security when secret documents are transported by officer messenger, and including not to exceed \$5,000 for the expenses of attendance, at home and abroad, upon meetings of technical, professional, scientific, and other similar organizations, when, in the judgment of the Secretary of the Navy, such attendance would be of benefit in the conduct of the work of the Navy Department; for mileage, at 5 cents per mile, to midshipmen entering the Naval Academy while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen, and not more than \$7,450 shall be available for transportation of midshipmen, including reimbursement of traveling expenses while traveling under orders, after appointment as midshipmen; for actual traveling expenses of female nurses; for travel allowance or for transportation and subsistence as authorized by law of enlisted men upon discharge; transportation of enlisted men and apprentice seamen and applicants for enlistment at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their home, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen and insane supernumerary patients to hospitals, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway, steamship, and airway guides and other expenses incident to transportation; expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties; transportation of dependents of officers and enlisted men, \$1,506,966 (composed of "A" item, \$1,370,686, and "B" item, \$136,280); expenses of funeral escorts of naval personnel; actual expenses of officers and midshipmen while on shore-patrol duty, including the hire of automobiles when necessary for the use of shore-patrol detachment; in all, \$6,267,800 (composed of "A" item, \$5,977,464, and "B" item, \$290,336);
Attendance at meetings.	
Midshipmen.	
Enlisted men, etc.	
Apprehension of deserters, etc.	
Transportation of dependents. Funeral escorts.	
Naval Reserve, active duty.	Naval Reserve personnel on active duty: For pay and allowances for Naval Reserve personnel (exclusive of Fleet Naval Reserve personnel) on active duty with the Navy as provided by law (53 Stat. 819-821), \$10,977,997 (composed of "A" item, \$2,869,625, and "B" item, \$8,108,372);
Total.	In all, for pay, subsistence, and transportation of naval personnel, Naval Reserve aviation officers on active duty, and members of the Naval Reserve when called to active duty in time of war or during the existence of a national emergency declared by the President, \$260,327,007 (composed of "A" item, \$225,042,117, and "B" item, \$35,284,890), and \$1,000,000 of such amount shall be available immediately, and the money herein specifically appropriated for "Pay, subsistence, and transportation of naval personnel" shall be disbursed and accounted for in accordance with existing law and shall constitute
Accounting.	

one fund: *Provided*, That additional commissioned, warranted, appointed, enlisted, and civilian personnel of the Medical Department of the Navy, required for the care of patients of the United States Veterans' Administration in naval hospitals, may be employed in addition to the numbers appropriated for in this Act: *Provided further*, That no part of this appropriation shall be available for the pay of any midshipmen whose admission subsequent to January 30, 1940, would result in exceeding at any time an allowance of four midshipmen for each Senator, Representative, and Delegate in Congress; of one midshipman for Puerto Rico, a native of the island, appointed on nomination of the Governor, and of four midshipmen from Puerto Rico appointed on nomination of the Resident Commissioner; and of four midshipmen from the District of Columbia: *Provided further*, That nothing herein shall be construed to repeal or modify in any way existing laws relative to the appointment of midshipmen at large, from the enlisted personnel of the naval service, from the Naval Reserve, from honor graduates of military schools or Naval Reserve Officers' Training Corps: *Provided further*, That no part of this appropriation shall be available for the pay of any midshipman appointed from enlisted men of the Navy who has not served aboard a vessel of the Navy in full commission for at least nine months prior to admission to the Naval Academy.

MAINTENANCE, BUREAU OF SUPPLIES AND ACCOUNTS

For equipage, supplies, and services under the cognizance of the Bureau of Supplies and Accounts, including stationery for commanding, executive, communication, and navigating officers of ships, boards and courts on ships, and chaplains; commissions, interest, and exchange; ferriage and bridge tolls, including streetcar fares; rent of buildings and offices not in navy yards except for use of naval attachés and recruiting officers; accident prevention; services of civilian employees under the cognizance of the Bureau of Supplies and Accounts; freight, express, and parcel-post charges, including transportation of funds and cost of insurance on shipments of money when necessary; for transportation on Government-owned vessels, notwithstanding the provisions of other law, of privately owned automobiles of Regular Navy and Marine Corps personnel upon change of station, and ice for cooling drinking water on shore (except at naval hospitals and shops at industrial navy yards), pertaining to the Navy Department and Naval Establishment, \$13,870,000 (composed of "A" item, \$11,170,000, and "B" item, \$2,700,000), of which amount \$500,000 shall be available immediately: *Provided*, That no part of this or any other appropriation contained in this Act shall be available for or on account of the supply or replacement of table linen, dishes, glassware, silver, and kitchen utensils for use in the residences or quarters of officers on shore, except for messes temporarily set up on shore for officers attached to seagoing vessels, to aviation units based on seagoing vessels, to the fleet air bases, or to landing forces and expeditions: *Provided further*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$7,200,000 (composed of "A" item, \$5,500,000, and "B" item, \$1,700,000): *Provided further*, That, without deposit to the credit of the Treasurer of the United States and withdrawal on money requisitions, receipts of public moneys from sales or other sources by officers of the Navy and

Provisos.
Additional medical detail for Veterans' Administration patients.

Admissions to Naval Academy after Jan. 30, 1940.

Appointments at large, from enlisted men, etc.

Sea service requirement.

Post, pp. 295, 605, 876, 972.

Maintenance.

Freight, etc., charges.

Provisos.
Supply of tableware, etc., for officers; restriction.

Group IV (b) employees.

Use of receipts for expenditures; accounting.

Marine Corps on disbursing duty and charged in their official accounts may be used by them as required for current expenditures, all necessary bookkeeping adjustments of appropriations, funds, and accounts to be made in the settlement of their disbursing accounts.

Post, pp. 295, 605.

CLOTHING AND SMALL-STORES FUND

Purchase of clothing, etc.

Clothing and small-stores fund: For purchase of clothing and small stores for issue to the Naval Service, to be added to the "Clothing and Small-Stores Fund", \$2,000,000 ("B" item).

Post, p. 605.

NAVAL SUPPLY ACCOUNT FUND

Naval Supply Account Fund.
41 Stat. 1169.

To increase the Naval Supply Account Fund established by the Act approved March 1, 1921 (31 U. S. C. 644), \$5,000,000 ("B" item), and, in addition an amount not to exceed such sum or sums as may be deposited from time to time in the Treasury during the fiscal year ending June 30, 1941, to the credit of "Miscellaneous receipts", realized from the sale of old material, condemned stores, supplies, or other surplus public property of any kind belonging to the Navy Department and not otherwise reappropriated.

Post, p. 605.

FUEL AND TRANSPORTATION, NAVY

Fuel and transportation.

For coal and other fuel for submarine bases and steamers' and ships' use, including expenses of transportation, storage, and handling the same and the removal of fuel refuse from ships; maintenance and general operation of machinery of naval fuel depots and fuel plants; water for all purposes on board naval vessels, and ice for the cooling of water, including the expense of transportation and storage of both, \$10,591,500 (composed of "A" item, \$8,280,000, and "B" item, \$2,311,500), of which \$1,000,000 shall be immediately available: *Provided*, That fuel acquired other than by purchase shall not be issued without charging the applicable appropriation with the cost of such fuel at the rate current at the time of issue for fuel purchased: *Provided further*, That the President may direct the use, wholly or in part, of fuel on hand, however acquired, to be charged at the last issue rate for fuel acquired by purchase, when, in his judgment, prices quoted for supplying fuel are excessive.

Provisos.
Fuel acquired other than by purchase; issue.

Use of fuel on hand.

Post, pp. 296, 606, 876.

BUREAU OF MEDICINE AND SURGERY

Post, pp. 296, 606, 876.

MEDICAL DEPARTMENT

Surgeons' necessities.
Civil establishment.

For surgeons' necessities for vessels in commission, navy yards, naval stations, and Marine Corps; and for the civil establishment at the several naval hospitals, navy yards, naval medical supply depots, Naval Medical Center, Naval Medical School, and Naval Dispensary, Washington, and Naval Academy; for tolls and ferriages; purchase of books and stationery; hygienic and sanitary investigation and illustration; sanitary, hygienic, administrative, and special instruction, including the issuing of naval medical bulletins and supplements; maintenance, repair, and operation of motor-propelled busses; trees, plants, care of grounds, garden tools, and seeds; incidental articles for the Naval Medical Center, Naval Medical School, and Naval Dispensary, Washington, naval medical supply depots, sick quarters at Naval Academy and marine barracks; washing for medical department at Naval Medical Center, Naval Medical School, and Naval Dispensary, Washington, naval medical supply depots, sick quarters at Naval Academy and marine barracks, dispensaries at navy yards and naval

Busses.

Naval Medical Center, etc.

stations, and ships; and for minor repairs on buildings and grounds of the Naval Medical School and naval medical supply depots; for dental outfits and dental material; and all other necessary contingent expenses; in all, \$3,327,000 (composed of "A" item, \$3,027,000, and "B" item, \$300,000): *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$150,000.

Proviso.
Group IV (b) employees.

CARE OF THE DEAD

Post, p. 296.

For the care of the dead; for funeral expenses and interment or transportation to their homes or to designated cemeteries of the remains of officers and enlisted men of the Navy and Marine Corps, of members of the Nurse Corps, reservists on active or training duty, and accepted applicants for enlistment, civilian employees of the Navy Department and Naval Establishment who die outside of the continental limits of the United States, and former enlisted men who are discharged while in hospitals and are inmates of said hospitals on the date of their death; for funeral expenses and interment of the remains of pensioners and destitute patients who die in naval hospitals; for purchase and care of cemetery lots; for care of graves outside of the continental limits of the United States, including those in sites not owned by the United States; for removal of remains from abandoned cemeteries to naval or national cemeteries, or to their homes, including remains interred in isolated graves at home and abroad, and remains temporarily interred, \$81,261 (composed of "A" item, \$70,000, and "B" item, \$11,261): *Provided*, That the above provision shall apply in the case of officers and enlisted men of the Navy and Marine Corps on the retired list who die while on active duty.

Interment and transportation.
Ante, p. 145.

Proviso.
Retired officers, etc., on active duty.

BUREAU OF YARDS AND DOCKS

Post, pp. 293, 296, 606, 876, 972.

MAINTENANCE, BUREAU OF YARDS AND DOCKS

Post, pp. 606, 876.

For the labor, materials, and supplies necessary, as determined by the Secretary of the Navy, for the general maintenance of the activities and properties now or hereafter under the cognizance of the Bureau of Yards and Docks, including accident prevention, and including such sum as may be necessary incident to the utilization of the Naval Station, New Orleans, Louisiana, for vessels to be placed and maintained in a decommissioned status; the purchase, maintenance, repair, and operation of passenger-carrying vehicles for the Navy Department (not to exceed ten in number) and the Naval Establishment not otherwise provided for; not to exceed \$1,630,000 (composed of "A" item, \$1,600,000, and "B" item, \$30,000), for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department, and part-time or intermittent employment in the District of Columbia, or elsewhere, of such engineers and architects as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding \$25 per diem for any person so employed and payment of the travel expenses of such persons if they be members of the Naval Reserve ordered to active duty, \$10,052,800 (composed of "A" item, \$9,784,600, and "B" item, \$268,200): *Provided*, That during the fiscal year 1941 the motor-propelled passenger-carrying vehicles to be purchased hereunder shall not exceed the

General maintenance, etc.

New Orleans, La., Naval Station, utilization.
Vehicles.

Group IV (b) employees.

Engineers, etc.

Provisos.
Limitation on vehicle purchases.

Maintenance, operation, etc.

following respective numbers and costs: Nineteen ("A" item) and two ("B" item) at \$600 each, one at \$1,600, ten motorbusses at \$4,500 each, two passenger-carrying semi-trailers at \$3,000 each, and motor-truck chassis with station-wagon-type bodies as required: *Provided further*, That expenditures from appropriations contained in this Act for the maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, including the compensation of civilian chauffeurs and the compensation of any greater number than ninety enlisted men detailed to such duty, shall not exceed in the aggregate \$100,000, exclusive of such vehicles owned and operated by the Marine Corps in connection with expeditionary duty without the continental limits of the United States, motorbusses, station-wagon motortrucks, and motorcycles, and on any one vehicle, except busses and ambulances, shall not exceed for maintenance, upkeep, and repair, exclusive of garage rent, pay of operators, tires, fuel, and lubricants, one-third of the market price of a new vehicle of the same make or class, and in any case not more than \$400.

CONTINGENT, BUREAU OF YARDS AND DOCKS

Contingent expenses.

For contingent expenses and minor extensions and improvements of public works at navy yards and stations, \$140,000 ("A" item).

Post, pp. 293, 296, 606, 876, 972.

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS

Public works, etc.

For public works and public utilities, Bureau of Yards and Docks, \$49,888,475 (composed of "A" item, \$49,038,475, and "B" item, \$850,000), which, together with the unexpended balances of appropriations heretofore made under this head, shall be disbursed and accounted for in accordance with existing law and shall constitute one fund, which fund shall be available for the payment of obligations incurred under the provisions of sections 3 and 4 of the Act approved April 25, 1939 (Public, Numbered 43, Seventy-sixth Congress), insofar as they relate to naval public works and utilities projects and for part-time and intermittent employment by contract of scientists, technicians, and other personnel and payment of travel expenses of members of the Naval Reserve ordered to active duty: *Provided*, That not to exceed 2½ per centum of the aggregate amount available on July 1, 1940, shall be available for the employment of classified personal services in the Bureau of Yards and Docks and in the field service to be engaged upon such work and to be in addition to employees otherwise provided for: *Provided further*, That the Secretary of the Navy is only authorized to commence, continue, or complete the construction of, or make provision for, by contract or otherwise, projects heretofore authorized and appropriated for under this head, and, in addition, only the following-named public works and public utilities projects at a limit of cost not to exceed the amount stated for each project enumerated, respectively:

Use of unexpended balances.

53 Stat. 591.
34 U. S. C., Supp. V,
§ 556.

Scientists, etc.

Provisos.
Personal services.

Construction, etc.,
of authorized projects.
Post, pp. 293, 296,
401, 606, 876, 972.

Midway Island.

Naval Air Station, Midway Island: Fuel-oil storage, nonaviation, \$250,000; Diesel-oil storage, nonaviation, \$50,000; defense facilities including buildings and accessories, \$1,250,000;

Tutuila, Samoa.

Naval Station, Tutuila, Samoa: Fuel-oil storage and pipe lines, \$200,000; Diesel-oil storage, \$50,000; gasoline storage, \$50,000;

Portsmouth, N. H.

Navy Yard, Portsmouth, New Hampshire: Submarine barracks and mess hall, \$270,000; roads, walks, and services, \$25,000; extension of inside machine shop, \$185,000; extension of industrial office building, \$100,000; conversion of building numbered 96 to foundry, \$77,000; extension of alternating current electric service, \$75,000;

Navy Yard, Philadelphia, Pennsylvania: Improvement of piers and quay walls, Reserve Basin, \$500,000; improvement of power plant and distributing systems, \$445,000; improvement of crane track and extension of turret construction slab, \$120,000; extension of yard dispensary, \$25,000; additional pier, \$650,000; extension of low crane ways at head of building ways numbered 3, modify ways for forty-five-thousand-ton battleship and replace existing forty-ton shipway cranes with fifty-ton cranes, \$1,250,000; additional crane for pier numbered 2, \$125,000; additional weight-handling and transportation equipment, \$100,000; modify shipways numbered 2 for forty-five-thousand-ton battleship and replace existing forty-ton shipway cranes with fifty-ton cranes, \$575,000;

Naval Operating Base, Norfolk, Virginia: Improvement of electric distribution, \$100,000;

Fourteenth Naval District—Pearl Harbor: Mooring facilities, \$200,000; improvement of harbor and channel, \$1,000,000;

Navy Yard, Pearl Harbor, Hawaii: Industrial shop buildings and accessories, \$1,400,000; cranes, auxiliary construction, roads, walks, and services, \$400,000; pipe and copper shop building and accessories, \$150,000; galvanizing shop building and accessories, \$85,000; electric shop building and accessories, \$465,000; roads, walks, services, and auxiliary construction, \$40,000;

Naval station, Guam: Improvement of water supply, \$325,000;

Naval radio station, Annapolis, Maryland: Additional radio facilities, \$210,000;

Naval direction-finder station, Point Saint George, California: Purchase of land, \$2,500;

General: Improvement of radio facilities, including buildings and accessories, \$35,000; roads, walks, and services for radio facilities, \$35,000;

Naval ammunition Depot, Puget Sound, Washington: Improvement of fire-protection system, \$107,000;

Naval Torpedo Station, Keyport, Washington: Extension of fire-protection system, \$117,500;

Fleet Air Base and Submarine Base, Coco Solo, Canal Zone: Toward the construction of personnel buildings and accessories, \$682,000; roads, walks, and services, \$300,000; sea walls, filling and grading, \$400,000;

Naval Air Station, Alameda, California: To continue the development authorized by the Act approved June 24, 1936 (49 Stat., pp. 1901, 1902), as amended, \$3,382,000;

Naval Fuel Depot, Pearl Harbor, Hawaii: Rehabilitation of fuel-oil facilities, \$350,000; bomb-proof berms enclosing fuel-oil-tank farms, \$600,000;

Marine Barracks, Parris Island, South Carolina: Toward the construction of buildings and accessories, \$300,000;

Marine Barracks, Quantico, Virginia: Barracks building and accessories, \$60,000; nurses' quarters and accessories, \$56,000; roads, walks, and services for dispensary area, \$80,000;

Drydock facilities, San Francisco Bay: Acquisition of drydocks and land and construction of buildings and facilities at Hunters Point or acquisition of other land and construction of drydock, buildings, and facilities, \$6,000,000;

Submarine base, New London, Connecticut: Facilities for commissioning reserve submarines, including improvement of buildings and accessories and water-front development, \$2,073,000;

Navy Yard, Boston, Massachusetts: Improvement of power plant and distributing systems, \$445,000; toilet and washrooms for building ways, \$20,000; additional weight-handling equipment, \$25,000;

Philadelphia, Pa.

Norfolk, Va.

Pearl Harbor, T. H.

Guam.

Annapolis, Md.

Point St. George,
Calif.

General.

Puget Sound, Wash.

Keyport, Wash.

Coco Solo, C. Z.

Alameda, Calif.

Pearl Harbor, T. H.

Parris Island, S. C.

Quantico, Va.

San Francisco Bay,
Calif.

New London, Conn.

Boston, Mass.

Charleston, S. C.

Navy Yard, Charleston, South Carolina: Motor-generator set at building ways, \$100,000; additional cranes for structural and machine shops, \$75,000; storehouse and accessories for fitting-out pier, \$50,000; cafeteria building and accessories, \$125,000; improvement of power plant, \$400,000; services to fitting-out pier, \$35,000; improvement of foundry building, \$25,000; locker and toilet facilities for fitting-out pier, \$40,000; additional weight-handling and transportation equipment, \$102,000;

Mare Island, Calif.

Navy Yard, Mare Island, California: Steam test plant and accessories, \$170,000; additional crane in structural shop, \$17,000; sub-assembly facilities extension to building numbered 382, \$50,000; rearrangement and relocation of shops, \$500,000; improvement and extension of administration building, \$250,000;

New York, N. Y.

Navy Yard, New York, New York: Storehouse and accessories, \$2,000,000; improvement of cranes, \$35,000; two drydock cranes, \$225,000; improvement of shop buildings, \$200,000; facilities for fabrication of armored decks, \$150,000; improvement of power plant, \$500,000; outside power connection to public utility company, \$100,000; fitting-out crane on pier G, \$125,000; modify building ways numbered 1 to take forty-five-thousand-ton battleship, \$1,500,000;

Norfolk, Va.

Navy Yard, Norfolk, Virginia: Extension of machine-shop building, \$600,000; additions and repairs to shop cranes, \$25,000; additional weight-handling and transportation equipment, \$75,000; power distribution and lighting in shops, \$35,000; additional outdoor plate storage yard and facilities, \$40,000; increase capacity of ship-way cranes, \$90,000;

Puget Sound, Wash.

Navy Yard, Puget Sound, Washington: Improvement of air generation and distribution, \$120,000;

Washington, D. C.

Navy Yard, Washington, District of Columbia: Improvement of pneumatic system, \$50,000; improvement of steam-distribution system, \$25,000; extension of buffing shop, \$50,000; extension of machine shop, \$375,000; general utility shop (paint, pipe, sheet metal, and maintenance), \$75,000; storage buildings and accessories at Bellevue, \$50,000;

Dahlgren, Va.

Naval Proving Ground, Dahlgren, Virginia: Magazine and accessories, \$35,000;

Newport, R. I.

Naval torpedo station, Newport, Rhode Island: Explosive manufacturing building and accessories, \$200,000;

Washington, D. C.

Naval Medical Center, Washington, District of Columbia: Accessory construction, \$992,000;

Pensacola, Fla.

Naval Air Station, Pensacola, Florida: Subaqueous water and gas lines at highway bridge, \$50,000.

Post, pp. 294, 609,
882, 973.

BUREAU OF AERONAUTICS

Post, pp. 294, 609,
882, 973.

AVIATION, NAVY

Designated aviation
expenses.

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1940, \$1,206,500 (composed of "A" item, \$1,015,200, and "B" item, \$191,300); for maintenance, repair, and operation of aircraft factory, air stations, fleet air bases, fleet and all other aviation activities, accident prevention, testing laboratories, overhauling of planes, technical periodicals, and the purchase for aviation purposes only of special clothing, wearing apparel, and special equipment, \$44,412,800 (composed of "A" item, \$34,804,100, and "B" item, \$9,608,700), including not to exceed \$30,000 for the procurement of helium, which sum of \$30,000 shall be transferred to and made available to the Bureau of Mines on July 1, 1940,

Helium.
Post, p. 443.

in addition to which sum the Bureau of Mines may use for helium-plant operation in the fiscal year 1941 the unexpended balance of funds transferred to it for such operation in the fiscal year 1940, and the Bureau may lease, after competition, surplus metal cylinders acquired for use as helium containers; for continuing experiments and development work on all types of aircraft, including the payment of part-time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicians as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding \$25 per diem for any person so employed and payment of the travel expenses of such persons if they be members of the Naval Reserve ordered to active duty, \$7,500,200 ("A" item); for new construction and procurement of aircraft and equipment, spare parts and accessories, \$41,083,400 ("A" item), of which amount not to exceed \$20,000,000 shall be available for the payment of obligations incurred under the contract authorization carried in the Navy Appropriation Act for the fiscal year 1940; in all, \$94,202,900 (composed of "A" item, \$84,402,900, and "B" item, \$9,800,000), and the money herein specifically appropriated for "Aviation" shall be disbursed and accounted for in accordance with existing law and shall constitute one fund: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$2,281,000 (composed of "A" item, \$2,143,200, and "B" item, \$137,800): *Provided further*, That in addition to the amount herein appropriated, the Secretary of the Navy may, prior to July 1, 1942, enter into contracts for the production and purchase of new airplanes and their equipment, spare parts and accessories, to an amount not in excess of \$25,000,000: *Provided further*, That the Secretary of the Treasury is authorized and directed, upon the request of the Secretary of the Navy, to transfer not to exceed in the aggregate \$50,000 from this appropriation to the appropriations "Pay, subsistence, and transportation, Navy" and "Pay, Marine Corps" to cover authorized traveling expenses of officers and enlisted men in connection with flying new airplanes from contractor's works to assigned station or ship, including travel to contractor's works and return of personnel to stations of duty, and the amount so transferred shall be in addition to any limitations contained in the appropriations "Pay, subsistence, and transportation, Navy" and "Pay, Marine Corps": *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes: *Provided further*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft where such claim does not exceed the sum of \$500.

MARINE CORPS

PAY, MARINE CORPS

Pay of officers, active list: For pay and allowances prescribed by law for all officers on the active list—pay and allowances, \$4,564,850, including not to exceed \$311,760, for increased pay for making aerial flights, none of which shall be available for increased pay for making aerial flights by nonflying officers at a rate in excess of \$1,440 per annum, which shall be the legal maximum rate as to such nonflying officers; subsistence allowance, \$643,422; rental allowance, \$796,769;

Experiments and development work.

New construction, etc.

Incurred obligations.

53 Stat. 775.

Total; accounting.

Provisos.
Group IV (b) employees.

Contracts for new airplanes, etc.

Transfer of sums for traveling expenses.

Airplane factory construction, restriction.

Adjustment of damage claims.

Post, pp. 295, 296, 609, 882, 973.

Post, pp. 296, 973.

Pay, etc., of officers on active list.

Aerial flights, limitation on increased pay for.

Active-duty pay, restriction.

in all, \$6,005,041 ("A" item); and, except during war or national emergency declared by the President to exist, no part of such sum shall be available to pay active-duty pay and allowances to officers on the retired list;

Retired officers.

For pay of officers prescribed by law on the retired list, \$2,091,586 (composed of "A" item, \$1,942,000, and "B" item, \$149,586);

Enlisted men, active list.

Pay of enlisted men, active list: For pay and allowances of non-commissioned officers, musicians, and privates, as prescribed by law, and for the expenses of clerks of the United States Marine Corps traveling under orders, including not to exceed \$250 for the expenses of attendance upon meetings of technical, professional, scientific, and other organizations, when, in the judgment of the Secretary of the Navy, such attendance would be of benefit in the conduct of the work of the Marine Corps, and including additional compensation for enlisted men of the Marine Corps qualified as expert riflemen, sharpshooters, marksmen, or regularly detailed as gun captains, gun pointers, cooks, messmen, including interest on deposits by enlisted men, post-exchange debts of deserters, and of men discharged or sentenced to terms of imprisonment while in debt to the United States, under such rules as the Secretary of the Navy may prescribe, and the authorized travel allowance of discharged enlisted men, and for prizes for excellence in gunnery exercises and target practices, and communication competitions, and for pay of enlisted men designated as Navy mail clerks and assistant Navy mail clerks both afloat and ashore, and for gratuities to enlisted men discharged not under honorable conditions—pay and allowances, \$12,495,260 (composed of "A" item, \$9,936,357, and "B" item, \$2,558,903); allowance for lodging and subsistence, \$1,015,789 (composed of "A" item, \$792,312, and "B" item, \$223,477); in all, \$13,511,049 (composed of "A" item, \$10,728,669, and "B" item, \$2,782,380);

Pay and allowances.

Retired enlisted men.

For pay and allowances prescribed by law of enlisted men on the retired list, \$937,748 ("A" item);

Undrawn clothing.

Undrawn clothing: For payment to discharged enlisted men for clothing undrawn, \$260,406 ("A" item);

Marine Corps Reserve.

For pay and allowances of the Marine Corps Reserve as follows: (a) For officers commissioned pursuant to the Act of June 13, 1939 (53 Stat. 819-821), \$194,215; (b) for transferred and assigned men, \$695,599 (composed of "A" item, \$621,374, and "B" item, \$74,225); and (c) for all others, \$1,654,448 (composed of "A" item, \$966,205, and "B" item, \$688,243); in all, \$2,544,262 (composed of "A" item, \$1,781,794, and "B" item, \$762,468);

Mileage, etc.

For mileage and actual and necessary expenses and per diem in lieu of subsistence as authorized by law to officers traveling under orders without troops, \$203,566 (composed of "A" item, \$190,000, and "B" item, \$13,566);

Total; accounting.

In all, \$25,553,658 (composed of "A" items, \$21,845,658, and "B" items, \$3,708,000), and the money herein specifically appropriated for pay of the Marine Corps shall be disbursed and accounted for in accordance with existing law and shall constitute one fund.

Post, p. 296.

PAY OF CIVIL EMPLOYEES, MARINE CORPS

Civil force.

Pay of civil force: For personal services in the District of Columbia, as follows:

Offices of the Major General Commandant and adjutant inspector, \$183,960 (composed of "A" item, \$154,760, and "B" item, \$29,200);

Office of the paymaster, \$55,300 (composed of "A" item, \$48,820, and "B" item, \$6,480);

Office of the quartermaster, \$193,980 (composed of "A" item, \$167,520, and "B" item, \$26,460); in all, \$433,240 (composed of "A"

item, \$371,100, and "B" item, \$62,140): *Provided*, That the total number of enlisted men on duty at Marine Corps Headquarters on May 7, 1930, shall not be increased, and in lieu of enlisted men whose services at such headquarters shall be terminated for any cause prior to July 1, 1941, their places may be filled by civilians, for the pay of whom, in accordance with the Classification Act of 1923, as amended, either or both the appropriations "Pay, Marine Corps" and "General expenses, Marine Corps" shall be available.

Proviso.
Number of enlisted men at headquarters.
Filling of vacancies by civilians; pay rates.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

GENERAL EXPENSES, MARINE CORPS

For every expenditure requisite for, and incident to, the authorized work of the Marine Corps, other than as appropriated for under the headings of pay and salaries, as follows:

For provisions, subsistence, board, and lodging of enlisted men, recruits and recruiting parties, and applicants for enlistment; cash allowance for lodging and subsistence to enlisted men traveling on duty; ice, ice machines and their maintenance, \$3,848,046 (composed of "A" item, \$3,036,046, and "B" item, \$812,000);

For clothing for enlisted men, \$1,453,710 (composed of "A" item, \$1,123,710, and "B" item, \$330,000);

For fuel, heat, light, and power, including sales to officers, \$809,000 (composed of "A" item, \$650,000, and "B" item, \$159,000);

For military supplies and equipment, including their purchase, repair, preservation, and handling; recreational, school, educational, library, musical, amusement, field sport and gymnasium supplies, equipment, services, and incidental expenses; purchase and marking of prizes for excellence in gunnery and rifle practice, good-conduct badges, medals, and buttons awarded to officers and enlisted men by the Government for conspicuous, gallant, and special service; rental and maintenance of target ranges and entrance fees for competitions, \$1,613,750 (composed of "A" item, \$721,750, and "B" item, \$892,000);

For transportation of troops and applicants for enlistment, including cash in lieu of ferriage and transfers en route; toilet kits for issue to recruits upon their first enlistment and other incidental expenses of the recruiting service; and for transportation for dependents of officers and enlisted men, \$438,200 (composed of "A" item, \$358,200, and "B" item, \$80,000);

For repairs and improvements to barracks, quarters, and other public buildings at posts and stations; for the renting, leasing, and improvement of buildings in the District of Columbia, and at such other places as the public exigencies require, and the erection of temporary buildings upon the approval of the Secretary of the Navy at a total cost of not to exceed \$70,000 (composed of "A" item, \$10,000, and "B" item, \$60,000) during the year, \$600,000 (composed of "A" item, \$500,000, and "B" item, \$100,000);

For forage and stabling of public animals and the authorized number of officers' horses, \$16,000 ("A" item);

For miscellaneous supplies, material, equipment, personal and other services, and for other incidental expenses for the Marine Corps not otherwise provided for; purchase, repair, and exchange of typewriters and calculating machines; purchase and repair of furniture and fixtures; and purchase, exchange, and repair of passenger-carrying and other vehicles, including parts; veterinary services and medicines for public animals and the authorized number of officers' horses; purchase of mounts and horse equipment for all officers below the grade of major required to be mounted; shoeing for public animals and the authorized number of officers' horses; books, newspapers, and periodicals; printing and binding; packing and crating of officers' allowance of baggage; funeral expenses of officers and enlisted men and accepted

Post, pp. 295, 296,
609, 648, 882.

General expenses.

Provisions, etc.

Clothing.

Fuel, etc.

Military supplies,
etc.

Transportation, etc.

Dependents.

Barracks, quarters,
etc.

Forage, etc.

Miscellaneous sup-
plies, etc.

Vehicles.

Horses, etc.

Printing and bind-
ing.

Care, etc., of schools. applicants for enlistment and retired officers on active duty, including the transportation of their bodies, arms, and wearing apparel from the place of demise to the homes of the deceased in the United States; construction, operation, and maintenance of laundries; care and operation of schools at Marine Barracks, Quantico, Virginia, and Parris Island, South Carolina; and for all emergencies and extraordinary expenses, \$2,972,000 (composed of "A" item, \$2,428,000, and "B" item, \$544,000):

Proviso.
Purchase of vehicles. *Provided*, That the motor-propelled passenger-carrying vehicles to be purchased hereunder shall not exceed the following respective numbers and costs: Twenty at \$750 each, fifteen motorcycles at \$425 each, and motortruck chassis with station wagon type bodies as required;

Marine Corps Reserve. Marine Corps Reserve: For clothing, including clothing for aviation cadets, subsistence, heat, light, transportation, and miscellaneous expenses, \$359,822 ("A" item);

Total; accounting. In all, \$12,110,528 (composed of "A" item, \$9,193,528, and "B" item, \$2,917,000), to be accounted for as one fund: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$200,000.

Proviso.
Group IV (b) employees.

Post, pp. 295, 609, 882.

ALTERATION TO NAVAL VESSELS

Certain vessels, alterations and repairs.

53 Stat. 582, 1045.

53 Stat. 1079.

Proviso.
Group IV (b) employees.

On account of the alterations and repairs of vessels heretofore authorized (and appropriated for in part) and toward the alterations and repairs for the purpose of modernizing the United States ships Argonaut, Narwhal, and Nautilus, authorized by the Act approved April 20, 1939 (Public, Numbered 37, Seventy-sixth Congress), as amended by the Act approved July 15, 1939 (Public Resolution Numbered 28, Seventy-sixth Congress), and for the purpose of effecting major overhauls of the United States ships Tennessee, California, Colorado, Maryland, and West Virginia, as authorized by the Act approved July 25, 1939 (Public, Numbered 212, Seventy-sixth Congress), \$10,552,000 ("A" item), to remain available until expended and of which \$400,000 shall be available immediately: *Provided*, That the sum to be paid out of the amount available for expenditure under this head for the fiscal year 1941 for employees in the field service assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed 5 per centum of the aggregate amount available under this heading on July 1, 1940.

Post, pp. 295, 609, 882.

REPLACEMENT OF NAVAL VESSELS

Construction and machinery.

24 U. S. C., Supp. V, §§ 498-498k.

48 Stat. 503.
24 U. S. C. §§ 494-497; Supp. V, § 496.

Provisos.
Group IV (b) employees.

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized (and appropriated for in part), and for the commencement of the following vessels authorized by the Act approved May 17, 1938 (52 Stat. 401-403), one battleship, one aircraft carrier, two cruisers, eight destroyers, two submarines, one submarine tender, one seaplane tender, two small seaplane tenders and one minesweeper, and for the following vessels authorized by the Act of March 27, 1934 (48 Stat. 501), one battleship and four submarines, \$259,071,979, to remain available until expended, of which sum \$50,000,000 shall be immediately available: *Provided*, That the sum to be paid out of the amount available for expenditure under the head of "Construction and machinery" for the fiscal year 1941 for employees in the field service assigned to group

IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed 5 per centum of the aggregate amount available under this heading on July 1, 1940: *Provided further*, That, of the appropriations made available by this Act under the head of "Replacement of naval vessels", there shall be available such sums as the Secretary of the Navy may from time to time determine to be necessary for the engagement of technical services, and the employment of personnel in the Navy Department and in the field, the purchase of plans, drafting and other supplies, telephone and telegraph expenses, and the expenses of printing and travel, in addition to those otherwise provided for, owing to the construction of vessels which have been or may hereafter be authorized.

Technical services,
etc.

Armor, armament, and ammunition: Toward the armor, armament, and ammunition for vessels hereinbefore described under the head of "Construction and machinery", \$81,300,000 ("A" item), to remain available until expended: *Provided*, That the sum to be paid out of the amount available for expenditure under this head for the fiscal year 1941 for employees in the field service assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed 5 per centum of the aggregate amount available under this heading on July 1, 1940.

Armor, armament,
and ammunition.

Proviso.
Group IV (b) em-
ployees.

Neither the appropriation "Replacement of naval vessels, construction and machinery", nor the appropriation "Replacement of naval vessels, armor, armament, and ammunition", shall be available for obligation for any purpose as to ships commissioned prior to July 1, 1939, nor as to any ship commissioned subsequent to such date after twelve months shall have elapsed from commissioning date.

Ships commissioned
before July 1, 1939,
certain funds not avail-
able for.

GENERAL PROVISIONS

The appropriations made in this Act for the purchase or manufacture of equipment or material or of a particular class of equipment or material shall be available for the purchase of letters patent, applications for letters patent, licenses under letters patent, and applications for letters patent that pertain to such equipment or material for which the appropriations are made.

Post, p. 884.

Purchase of letters
patent, etc.

No part of any appropriation made for the Navy shall be expended for any of the purposes herein provided for on account of the Navy Department in the District of Columbia, including personal services of civilians and of enlisted men of the Navy, except as herein expressly authorized: *Provided*, That there may be detailed to the Bureau of Navigation not to exceed at any one time seven enlisted men of the Navy: *Provided further*, That enlisted men detailed to the Naval Dispensary and the Radio Communication Service shall not be regarded as detailed to the Navy Department in the District of Columbia.

Department use
limited.

Provisos.
Details to Bureau of
Navigation.
Post, p. 883.
Details to Naval
Dispensary and Radio
Communication Serv-
ice.

No part of the appropriations made in this Act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person or persons having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this Act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for sugges-

Use of time-measur-
ing devices on work of
employees, restriction.

Cash rewards, re-
striction; exception.

Repairs, etc., by private contractors, restriction.

Exception.

Proviso.
Construction of certain vessels in Government yards, etc.
45 Stat. 1165; 48 Stat. 503.
34 U. S. C. § 495.

Estimates to accompany bids.

tions resulting in improvements or economy in the operation of any Government plant; and no part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article, or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government, except when the repair, purchase, or acquirement, by or from any private contractor, would, in the opinion of the Secretary of the Navy, be advantageous to the national defense: *Provided*, That nothing herein shall be construed as altering or repealing the provisos contained in the Acts to authorize the construction of certain naval vessels, approved February 13, 1929, and March 27, 1934, which provide that the first and succeeding alternate vessels in each category, except the fifteen-thousand-ton aircraft carrier, upon which work is undertaken, together with the main engines, armor, and armament, shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States, except such material or parts as are not customarily manufactured in such Government plants.

No part of the funds herein appropriated shall be available to pay a contractor upon any contract for a naval vessel entered into under authority of this Act unless, at the time of filing his bid, he shall also file the estimates upon which such bid was based.

NAVY DEPARTMENT

Post, pp. 295, 296, 610, 883, 973.

Salaries.

Office of Secretary, and other designated offices, etc.

SALARIES

For compensation for personal services in the District of Columbia, as follows:

Office of the Secretary of the Navy: Secretary of the Navy, Assistant Secretary of the Navy, and other personal services, \$211,230 (composed of "A" item, \$207,810, and "B" item, \$3,420).

General Board, \$12,220 ("A" item).

Naval examining and retiring boards, \$13,980 ("A" item).

Compensation board, \$7,700 ("A" item).

Office of Naval Records and Library, \$34,360 ("A" item).

Office of Judge Advocate General, \$132,520 (composed of "A" item, \$126,620, and "B" item, \$5,900).

Office of Chief of Naval Operations, \$87,600 (composed of "A" item, \$77,200, and "B" item, \$10,400).

Board of Inspection and Survey, \$21,360 ("A" item).

Office of Director of Naval Communications, \$169,540 (composed of "A" item, \$142,000, and "B" item, \$27,540).

Office of Naval Intelligence, \$111,300 (composed of "A" item, \$79,500, and "B" item, \$31,800).

Bureau of Navigation, \$567,920 (composed of "A" item, \$494,000, and "B" item, \$73,920).

Hydrographic Office, \$463,420 (composed of "A" item, \$422,920, and "B" item, \$40,500).

American Ephemeris, etc.

Naval Observatory, including \$2,500 for pay of computers on piece work in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon, and stars, \$186,920 (composed of "A" item, \$178,120, and "B" item,

\$8,800), of which amount of \$8,800 not to exceed \$3,600 may be expended for rental of tabulating and other mechanical equipment.

Bureau of Engineering, \$310,480 ("A" item).

Bureau of Construction and Repair, \$347,479 ("A" item).

Bureau of Ordnance, \$150,000 ("A" item).

Bureau of Supplies and Accounts, \$928,140 (composed of "A" item, \$811,460, and "B" item, \$116,680).

Bureau of Medicine and Surgery, \$152,510 (composed of "A" item, \$102,270, and "B" item, \$50,240).

Bureau of Yards and Docks, \$276,000 ("A" item).

Bureau of Aeronautics \$360,400 ("A" item): *Provided*, That the services of technical and clerical personnel may be employed only in the Bureau of Aeronautics in connection with the design and construction of aircraft, to be paid from the appropriation "Aviation, Navy, 1941": *Provided further*, That the expenditures on this account for the fiscal year 1941 shall not exceed \$172,800.

In all, salaries, Navy Department, \$4,545,079 (composed of "A" items, \$4,175,879, and "B" items, \$369,200).

In expending appropriations or portions of appropriations contained in this Act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the Assistant Secretaries of the Navy, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Bureau of Aeronautics.
Provisos.
Aircraft design and construction.

Limitation on expenditures.

Salary restriction.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

Proviso.
Restriction not applicable in designated cases.

42 Stat. 1490.
5 U. S. C. § 666.

CONTINGENT EXPENSES

For professional and technical books and periodicals, lawbooks, and necessary reference books, including city directories, railway guides, freight, passenger, and express tariff books and photostating, for Department library; for purchase of photographs, maps, documents, and pictorial records of the Navy, photostating and other necessary incidental expenses in connection with the preparation for publication of the naval records of the war with the Central Powers of Europe; for stationery, furniture, newspapers, plans, drawings, and drawing materials; purchase and exchange of motortrucks or motor-delivery wagons, maintenance, repair, and operation of motortrucks or motor-delivery wagons; garage rent; streetcar fares; freight, expressage, postage, typewriters, and computing machines

Post, pp. 297, 610, 883, 973.

Contingent expenses.

Provisos.
Use of naval service
appropriations, re-
striction.

Minor purchases.
Post, p. 1109.

and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, \$213,000 (composed of "A" item, \$178,000, and "B" item, \$35,000): *Provided*, That it shall not be lawful to expend, unless otherwise specifically provided herein, for any of the offices or bureaus of the Navy Department in the District of Columbia, any sum out of appropriations made for the naval service for any of the purposes mentioned or authorized in this paragraph: *Provided further*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not apply to any purchase by or service rendered to the Navy Department or its bureaus and offices when the aggregate amount involved does not exceed \$50.

Post, pp. 296, 297,
883, 973.

Printing and bind-
ing.

PRINTING AND BINDING

For printing and binding for the Navy Department and the Naval Establishment (including the Hydrographic Office and the Naval Reserve Officers' Training Corps) executed at the Government Printing Office, \$700,000 (composed of "A" item, \$610,000, and "B" item, \$90,000).

PRINTING HISTORICAL AND NAVAL DOCUMENTS

Historical and naval
documents.

48 Stat. 414.

Proviso.
Copies to Library of
Congress.

For continuing the printing of historical and naval documents, including composition, clerical copying in the Navy Department, and other preparatory work, in accordance with the provisions of the appropriation made for the commencement of this work as contained in the Naval Appropriation Act for the fiscal year 1935, \$12,000 ("A" item), together with the unexpended balance for this purpose for the fiscal year 1940: *Provided*, That nothing in such Act shall preclude the Public Printer from furnishing one hundred and fifty copies of each volume published to the Library of Congress.

Post, pp. 297, 973.

CONTINGENT AND MISCELLANEOUS EXPENSES, HYDROGRAPHIC OFFICE

Contingent and
miscellaneous ex-
penses.

For purchase and printing of nautical books, charts, and sailing directions, copper plates, steel plates, chart paper, packing boxes, chart portfolios, electrotyping copper plates, cleaning copper plates; tools, instruments, power, and material for drawing, engraving, and printing; materials for and mounting charts; reduction of charts by photography; photolithographing charts for immediate use; transfer of photolithographic and other charts to copper; purchase of equipment for the storage of plates used in making charts and for the storage of Hydrographic Office charts and publications; modernization, care, and repair to printing presses, furniture, instruments, and tools; extra drawing and engraving; translating from foreign languages; telegrams on public business; preparation of pilot charts and their supplements, and printing and mailing same; purchase of data for charts and sailing directions and other nautical publications; books of reference and works and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, and to other professional and technical subjects connected with the work of the Hydrographic Office, \$102,000 (composed of "A" item, \$67,000, and "B" item, \$35,000).

Branch offices.

For contingent expenses of branch hydrographic offices at Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, Portland (Oregon), Portland (Maine), Chicago, Cleveland, Detroit, Buffalo, Duluth, Sault Sainte Marie, Seattle, Panama, San Juan (Puerto Rico), Los Angeles, Honolulu, and Galveston, including furniture, fuel, lights, works and periodicals, relating to hydrography, marine meteorology, navigation, surveying, oceanography and terrestrial magnetism, stationery, miscellaneous articles, rent, and care of offices, care of time balls, carfare and ferriage in

visiting merchant vessels, freight and express charges, telegrams, and other necessary expenses incurred in collecting the latest information for pilot charts, and for other purposes for which the offices were established, \$11,380 ("A" item).

For services of necessary employees at branch offices, \$48,210 ("A" item).

CONTINGENT AND MISCELLANEOUS EXPENSES, NAVAL OBSERVATORY

For professional and scientific books, books of reference, periodicals, engravings, photographs, and fixtures for the library; for apparatus and instruments, and for repairs of the same; for repairs to buildings (including quarters), fixtures, and fences; for cleaning, repair, and upkeep of grounds and roads; furniture and furnishings for offices and quarters, gas, chemicals, paints, and stationery, including transmission of public documents through the Smithsonian exchange, foreign postage; plants, seeds, and fertilizers; for fuel, oil, grease, pipe, wire, and other materials needed for the maintenance and repair of boilers, engines, heating apparatus, electric lighting and power, and water supply; purchase and maintenance of teams; maintenance, repair, and operation of motortrucks and passenger automobiles, and of horse-drawn vehicles; telegraph and telephone service; and other absolutely necessary expenses, \$29,000 ("A" item).

SEC. 2. No part of any money appropriated by this Act shall be used for maintaining, driving, or operating any Government-owned motor-propelled passenger-carrying vehicle not used exclusively for official purposes; and "official purposes" shall not include the transportation of officers and employees between their domiciles and places of employment except in cases of medical officers on out-patient medical service and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the Department. This section shall not apply to any motor vehicle for official use of the Secretary of the Navy, and no other persons connected with the Navy Department or the naval service, except the commander in chief of the United States Asiatic Fleet, Marine Corps officers serving with expeditionary forces in foreign countries, and medical officers on out-patient medical service, shall have a Government-owned motor vehicle assigned for their exclusive use.

SEC. 3. When used in this Act, the words in parentheses ("A" item) and ("B" item) shall mean, respectively, "amounts for or relating to regular activities" and "amounts for or relating to activities pursuant to Executive Order Numbered 8245, dated September 8, 1939", and when there is no such designation of an amount it shall be construed to be an "A" item; but such designations when combined for an appropriation or an amount limitation shall not be deemed to require separate administrative or fund accounting for each designation.

SEC. 4. The portions of the appropriations contained herein and denominated as "B" items shall not be available for the employment other than temporarily of classified personal services.

SEC. 5. The total amount used on an annual basis for administrative within-grade promotions for officers and employees under any appropriation or other fund made available in this Act shall not exceed the amount determined by the Bureau of the Budget to be available for such purpose on the basis of the Budget estimate for such appropriation or fund exclusive of new money in any such Budget estimate for such administrative promotions.

Contingent and miscellaneous expenses.

Government-owned motor vehicles.
Use restricted to official business.

Transportation between domicile and place of employment.

Exceptions.

Definition of "A" item and "B" item.
Post, p. 295.

Use of "B" item funds.

Administrative promotions, restriction.

Canal Zone.
Personal services on,
citizenship require-
ment after May 1,
1941; exception.

Provisos.
Employment of
Panamanian citizens.
48 U. S. C., Supp.
V, § 1307.

Restriction on num-
ber.

Persons with 15 or
more years of service.

Selection of per-
sonnel.

Hours of employ-
ment; rates of pay.

Provisions applica-
ble only to certain
persons.

Suspension of com-
pliance in time of war,
etc.

SEC. 6. No part of any appropriation contained in this Act shall be used directly or indirectly after May 1, 1941, except for temporary employment in case of emergency, for the payment of any civilian for services rendered by him on the Canal Zone while occupying a skilled, technical, clerical, administrative, executive, or supervisory position unless such person is a citizen of the United States of America or of the Republic of Panama: *Provided, however*, (1) That, notwithstanding the provision in the Act approved August 11, 1939 (53 Stat. 1409), limiting employment in the above-mentioned positions to citizens of the United States from and after the date of the approval of said Act, citizens of Panama may be employed in such positions; (2) that at no time shall the number of Panamanian citizens employed in the above-mentioned positions exceed the number of citizens of the United States so employed, if United States citizens are available in continental United States or on the Canal Zone; (3) that nothing in this Act shall prohibit the continued employment of any person who shall have rendered fifteen or more years of faithful and honorable service on the Canal Zone; (4) that in the selection of personnel for skilled, technical, administrative, clerical, supervisory, or executive positions, the controlling factors in filling these positions shall be efficiency, experience, training, and education; (5) that all citizens of Panama and the United States rendering skilled, technical, clerical, administrative, executive, or supervisory service on the Canal Zone under the terms of this Act (a) shall normally be employed not more than forty hours per week; (b) may receive as compensation equal rates of pay based upon rates paid for similar employment in continental United States plus 25 per centum; (6) this entire section shall apply only to persons employed in skilled, technical, clerical, administrative, executive, or supervisory positions on the Canal Zone directly or indirectly by any branch of the United States Government or by any corporation or company whose stock is owned wholly or in part by the United States Government: *Provided further*, That the President may suspend compliance with this section in time of war or national emergency if he should deem such course to be in the public interest.

Ante, p. 265.

TITLE II—EMERGENCY NATIONAL DEFENSE APPROPRIATIONS

Ante, p. 265.

OFFICE OF THE SECRETARY

Miscellaneous ex-
penses.

Miscellaneous expenses: For an additional amount for miscellaneous expenses comprising the same objects specified under this head in title I of this Act, \$256,700, of which there shall be available not to exceed \$200,000 for collection of information, \$10,000 for promoting accident prevention and safety in shore establishments of the Navy, and \$25,000 in the aggregate or \$900 for any one person for allowances for civil employees in attachés' offices.

Ante, p. 267.

BUREAU OF NAVIGATION

NAVAL RESERVE

Naval Reserve.
Ante, pp. 265, 270.
Group IV (b) em-
ployees.

For an additional amount for the Naval Reserve, comprising the same objects specified under this head in title I of this Act, \$3,425,000, of which not to exceed \$34,560 shall be available for the pay of employees assigned to group IV (b), and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

BUREAU OF ENGINEERING

Ante, p. 272.

ENGINEERING

For an additional amount for Engineering, comprising the same objects specified under this head in title I of this Act, including the acquisition and conversion or construction and repair of machinery for boom or net tenders, \$5,314,500, to be immediately available, of which not to exceed \$100,000 shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department and the Secretary of the Navy is authorized to exceed the statutory limit on repair and alterations to vessels commissioned or converted to meet the existing emergency.

Engineering.
Ante, pp. 265, 272.

Group IV (b) employees.

Repair, etc., of vessels.

BUREAU OF CONSTRUCTION AND REPAIR

Ante, p. 272.

CONSTRUCTION AND REPAIR

For an additional amount for Construction and Repair, comprising the same objects specified under this head in title I of this Act, including the acquisition and conversion or construction and repair of boom or net tenders, \$8,022,500, to be immediately available, of which not to exceed \$100,000 shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department and the Secretary of the Navy is authorized to exceed the statutory limit on repair and alterations to vessels commissioned or converted to meet the existing emergency.

Construction and repair.
Ante, pp. 265, 272.

Group IV (b) employees.

Repair, etc., of vessels.

BUREAU OF ORDNANCE

Ante, p. 273.

ORDNANCE AND ORDNANCE STORES, NAVY

For an additional amount for Ordnance and Ordnance Stores, Navy, comprising the same objects specified under this head in title I of this Act, and for essential equipment and facilities at either private or naval establishments for the production of ordnance material, \$31,527,200, to be immediately available: *Provided*, That the sum to be paid out of this increment for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$1,040,000.

Procuring, preserving, etc.
Ante, pp. 265, 273.*Proviso.*
Group IV (b) employees.

BUREAU OF SUPPLIES AND ACCOUNTS

Ante, p. 274.

PAY, SUBSISTENCE, AND TRANSPORTATION OF NAVAL PERSONNEL

For an additional amount for pay, subsistence, and transportation of naval personnel, comprising the same objects specified under this head in title I of this Act, including three additional officers above the rank of captain in a flight-pay status: *Provided*, That no officer of the Navy or Marine Corps who has been adjudged fitted shall be involuntarily retired during the existing limited emergency, \$3,350,000.

Pay, etc.

Ante, pp. 265, 274.*Proviso.*
Involuntary retirement of certain officers, restriction.

BUREAU OF YARDS AND DOCKS

Ante, p. 279.

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS

Toward the following public works and public utilities projects at a cost not to exceed the amount stated for each project, respectively,

Public works, etc.
Ante, p. 280.

\$53,325,000, which amount, together with unexpended balances of appropriations herein and heretofore made under this head, shall be disbursed and accounted for in accordance with existing law and shall constitute one fund:

Pearl Harbor, T. H.	Navy Yard, Pearl Harbor, Hawaii: Temporary storehouses and accessories, \$1,000,000;
Guantanamo, Cuba.	Naval Station, Guantanamo, Cuba: Defense facilities, including buildings and accessories, \$1,500,000;
Coco Solo, C. Z.	Naval Air Station, Coco Solo, Canal Zone: Breakwater, \$3,000,000;
Pearl Harbor, T. H.	Naval Supply Depot, Pearl Harbor, Hawaii: Quay wall and unloading wharf, \$500,000;
Net and ammunition storage facilities.	Net and ammunition storage facilities: Naval net depots and ammunition storage, including buildings and accessories and the acquisition of land, \$6,262,362;
Naval aviation shore facilities. <i>Provisos.</i> Construction of officers', etc., quarters, limitation.	Naval aviation shore facilities, including acquisition of land, \$45,000,000: <i>Provided</i> , That no part of this amount or any other amount in this title for temporary housing shall be available for erecting, including utilities, upon any site however acquired subsequent to the calendar year 1938, married officers quarters at a unit cost of more than \$8,500, nor bachelor officers quarters at a unit cost of more than \$1,750, nor student flyers quarters at a unit cost of more than \$550; nor barracks for enlisted men at a unit cost of more than \$350: <i>Provided further</i> , That no part of this amount, nor of any other amount in this title for temporary housing, shall be available for erecting buildings upon any site acquired subsequent to the calendar year 1938 except of a distinctly temporary character unless structures (such as hospitals, hangars, and storage facilities for inflammable or explosive materials) of a more substantial type are essential to the purpose.
Construction of buildings.	The provisions of section 4 of the Act approved April 25, 1939 (53 Stat. 590-592), shall be applicable to all public works and public utilities projects mentioned in this Act regardless of location.
Contracts.	The Secretary of the Navy is authorized to continue the employment, in the District of Columbia and elsewhere, of such employees now carried on the rolls as will be required for the preparation of plans and specifications and administrative work in connection with the public works and public utilities projects authorized by this Act, or heretofore otherwise authorized.
Certain personnel, continuance in employment.	

Ante, p. 282.

BUREAU OF AERONAUTICS

AVIATION, NAVY

Aviation expenses. <i>Ante</i> , pp. 265, 282.	For an additional amount for aviation, Navy, comprising the same objects specified under this head in title I of this Act, to be immediately available, \$43,850,000, which sum is hereby made available for expenditure, in the discretion of the Secretary of the Navy, for the procurement and installation of special facilities for use by contractors in manufacturing aircraft and aeronautical material: <i>Provided</i> , That existing contracts for aircraft and aeronautical material may be appropriately modified: <i>Provided further</i> , That facilities procured hereunder may be leased, sold, or otherwise disposed of, in the discretion of the Secretary of the Navy, when no longer required for use under naval contracts and the Secretary of the Navy shall report annually to the Congress on the rental, sale, or disposal of the facilities provided for in this Act: <i>Provided further</i> , That in addition to the amount herein appropriated, the Secretary of the Navy may, prior to July 1, 1941, enter into contracts for the production and purchase of new airplanes and their equipment, spare parts and accessories, to an amount not in excess of \$100,000,000.
<i>Provisos.</i> Modification of contracts.	
Disposal of facilities.	
Contracts for new airplanes, etc.	

MARINE CORPS

Ante, p. 283.

GENERAL EXPENSES, MARINE CORPS

For every expenditure requisite for, and incident to, the authorized work of the Marine Corps, other than as appropriated for under the headings of pay and salaries, as follows:

General expenses.

For an additional amount for military supplies and equipment, comprising the same objects specified under this head in title I of this Act, \$408,280.

Military supplies,
etc.
Ante, pp. 265, 285.

ALTERATIONS TO NAVAL VESSELS

Ante, p. 286.

On account of the major alterations to the United States battleships New York, Texas, and Arkansas, \$6,000,000, to be immediately available and to remain available until expended.

Battleships *New York, Texas, and Arkansas*.
Post, p. 395.

REPLACEMENT OF NAVAL VESSELS

Ante, p. 286.

Construction and machinery: For an additional amount on account of hulls and outfits of vessels and machinery of vessels heretofore authorized (and appropriated for in part), including the necessary machine tools and other equipment in naval establishments and Government equipment in private plants required for expediting shipbuilding, to be immediately available and to remain available until expended, including the same objects and under the same conditions and limitations prescribed under this head in title I of this Act, \$65,000,000.

Construction and machinery.

Machine tools, etc.

Ante, pp. 265, 286.

Armor, armament, and ammunition: For an additional amount toward the armor, armament, and ammunition for vessels and aircraft heretofore authorized (and appropriated for in part), including the necessary machine tools and other equipment and facilities at naval or private establishments required for expediting shipbuilding, to be immediately available and to remain available until expended, including the same objects and under the same conditions and limitations prescribed under this head in title I of this Act, \$35,000,000: *Provided*, That all parenthetical clauses in title I of this Act in which certain amounts are denominated as "A" and/or "B" items shall be disregarded for all purposes, together with section 3 of such title.

Armor, armament, and ammunition.

Machine tools, etc.

Ante, pp. 265, 287.

Proviso.
Disregarding of certain parenthetical clauses ("A" and "B" items) and of section 3 of title I.

Ante, p. 291.

NAVAL PERSONNEL

For additional amounts for twenty thousand Naval enlisted men reservists (for training), five hundred Naval Reserve officers and five hundred retired naval officers, on active duty, during the fiscal year 1941, under headings and for the same objects as specified under their headings in title I of this Act, as follows:

Naval personnel.

Bureau of Supplies and Accounts:

Pay, subsistence, and transportation, \$20,821,000;

Ante, p. 274.

Maintenance, Bureau of Supplies and Accounts, \$1,333,000;

Ante, p. 277.

Salaries, Bureau of Supplies and Accounts, \$51,000;

Ante, p. 289.

Clothing and small-stores fund, \$3,000,000;

Ante, p. 278.

Bureau of Navigation:

Training, education, and welfare, Navy:

Ante, p. 267.

Naval Training Station, San Diego, California, \$11,000;

Naval Training Station, Newport, Rhode Island, \$10,000;

Naval Training Station, Great Lakes, Illinois, \$7,000;

Naval Training Station, Norfolk, Virginia, \$8,000;

Instruction, \$11,000;

Libraries, \$40,000;

Welfare and recreation, \$164,000;

In all, training, education, and welfare, \$251,000;

Salaries, Bureau of Navigation, \$15,000;

Ante, p. 288.

Ante, p. 278.
Group IV (b) em-
ployees.

Ante, p. 279.
Ante, p. 289.
Ante, pp. 279, 280.

Ante, p. 272.

Ante, p. 290.
Total.
Provisos.
Assignment of re-
servists.

Recruiting of en-
listed men, limitation.
Post, p. 610, § 302.

Bureau of Medicine and Surgery:

Medical Department, \$231,000, of which not to exceed \$10,000 shall be available for the pay of employees assigned to group IV (b), and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department;

Care of the Dead, \$6,000;

Salaries, Bureau of Medicine and Surgery, \$12,000;

Bureau of Yards and Docks: Public Works: Temporary hospital facilities, \$400,000;

Bureau of Construction and Repair:

Construction and repair: Recruit outfits, \$154,000;

Navy Department: Printing and binding, \$13,000;

In all, \$26,287,000: *Provided*, That the Secretary of the Navy in filling out the allowances of naval vessels above 85 per centum of complement shall first assign to active duty for limited periods of training such naval reservists as will voluntarily accept active duty not to exceed five thousand, and the pay and other expenses of such reservists shall be payable out of this appropriation: *Provided further*, That to the extent that naval reservists are not available the Secretary of the Navy shall recruit regular enlisted men in the Navy to the extent necessary to provide an enlisted personnel of not to exceed one hundred and seventy thousand by July 1, 1941.

Ante, p. 283.

MARINE CORPS

Personnel, etc.

For additional amounts for Marine Corps purposes, including \$9,000 additional enlisted men on active duty, arms, artillery, ammunition, equipment, housing and general expenses, including motor-propelled passenger-carrying vehicles, under headings, and for the same objects as specified under their headings in title I of this Act, as follows:

Ante, pp. 265, 283.

Ante, p. 283.

Marine Corps:

Pay, Marine Corps, \$3,200,000;

General expenses, Marine Corps, \$9,327,000;

Pay of civil employees: Offices of the Major General Commandant and the Adjutant and Inspector, \$54,360; Office of the Paymaster, \$17,820; Office of the Quartermaster, \$127,820; in all, \$200,000;

Ante, p. 278.

Ante, pp. 279, 280.

Bureau of Medicine and Surgery: Medical Department, \$12,000;
Bureau of Yards and Docks:

Public Works, Bureau of Yards and Docks: For temporary housing, including extensions of existing structures, \$4,500,000;

Ante, p. 273.

Bureau of Ordnance: Ordnance and Ordnance stores, Navy, \$4,899,000;

Ante, p. 272.

Bureau of Engineering:

Engineering: For radio material, \$100,000.

NAVY DEPARTMENT

Ante, p. 283.

SALARIES

Salaries.

For an additional amount for compensation for personal services in the District of Columbia, as follows:

Office of the Secretary of the Navy, \$28,860;

Office of Naval Intelligence, \$25,520;

Bureau of Aeronautics, \$70,000;

In all, salaries, Navy Department, \$124,380.

CONTINGENT EXPENSES

Ante, p. 289.

For an additional amount for contingent expenses, Navy Department, \$28,000: *Provided*, That the unobligated balance on June 30, 1940, of the appropriation "Contingent expenses, Navy Department, 1940", is hereby reappropriated and made available for obligation during the fiscal year 1941.

Proviso.
Reappropriation.

PRINTING AND BINDING

Ante, p. 290.

For an additional amount for printing and binding, Navy Department, \$50,000.

CONTINGENT AND MISCELLANEOUS EXPENSES, HYDROGRAPHIC OFFICE

Ante, p. 290.

For an additional amount for contingent and miscellaneous expenses, Hydrographic Office, \$10,000.

EMERGENCY FUND FOR THE PRESIDENT

Post, pp. 377, 1126.

To enable the President, through the appropriate agencies of the Government, without reference to section 3709 of the Revised Statutes, to provide for emergencies affecting the national security and defense and for each and every purpose connected therewith, including all of the objects and purposes specified under any appropriation available or to be made available to the Navy Department for the fiscal years 1940 and 1941; the furnishing of Government-owned facilities at privately owned plants; the procurement and training of civilian personnel necessary in connection with the production of critical and essential items of equipment and material and the use or operation thereof; and the procurement of strategic and critical materials in accordance with the Act of June 7, 1939, \$34,000,000; to be immediately available; and, in addition, the President is authorized, through such agencies, on and after the enactment hereof, to enter into contracts for the same purposes to an amount not exceeding \$34,000,000: *Provided*, That an account shall be kept of all expenditures made or authorized hereunder, and a report thereon shall be submitted to the Congress on or before June 30, 1942.

Emergency fund.
41 U. S. C. § 5.Government-owned
facilities at private
plants.
Civilian personnel.Strategic and critical
materials.
53 Stat. 811.
50 U. S. C., Supp.
V, §§ 98-99f.
Contracts in addition,
authorized.*Proviso.*
Accounting; report
to Congress.

Approved, June 11, 1940.

[CHAPTER 314]

AN ACT

To facilitate the control of soil erosion and/or flood damage originating upon lands within the exterior boundaries of the Cleveland National Forest in San Diego County, California.

June 11, 1940
[H. R. 169]
[Public, No. 589]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission, established by section 4 of the Act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands, or interests therein, within the boundaries of the Cleveland National Forest in the county of San Diego, State of California, which in his judgment should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands, or interests therein, from those proportions of the entire receipts from the occupancy of public land or the sale of natural resources other than mineral, within the Cleveland

Cleveland National
Forest, Calif.
Acquisition of lands
in, for soil erosion,
etc., control.
36 Stat. 962.Payment from Forest
receipts, etc.

Appropriation au-
thorized.
Post, p. 549.
Provisos.
Use of receipts.
35 Stat. 260.
Transfer of unex-
pended appropria-
tions.

National Forest, which are equal to the proportion of the net areas of said forest which are within the county of San Diego, State of California, which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired: *Provided*, That as to the receipts used in the manner herein authorized the provisions of the Act approved May 23, 1908 (U. S. C., title 16, sec. 500), shall not be applicable to said county of San Diego: *Provided further*, That any appropriated amounts which are unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year and amounts so transferred and such part of the entire receipts of any fiscal year as are not appropriated shall be disposed of in like manner as other national-forest receipts.

Approved, June 11, 1940.

[CHAPTER 315]

AN ACT

June 11, 1940
[H. R. 952]
(Public, No. 590)

For the relief of Indians who have paid taxes on allotted lands for which patents in fee were issued without application by or consent of the allottees and subsequently canceled, and for the reimbursement of public subdivisions by whom judgments for such claims have been paid.

Reimbursement of
Indians for taxes paid
on allotted lands.

Provisos.
Release of judg-
ments.

Reimbursement of
States, etc.

Appropriation au-
thorized.

Availability of
funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to reimburse Indian allottees and Indian heirs of allottees for all taxes paid on so much of their allotted lands as, having been patented in fee prior to the expiration of the period of trust, without application by or consent of the patentee, has been or may be restored to trust status through cancelation of the fee patent by the Secretary of the Interior: *Provided*, That in any case in which a claim against a State, county, or political subdivision thereof for taxes collected upon such lands while the patent in fee was outstanding has been reduced to judgment, and such judgment remains unsatisfied, the Secretary of the Interior is authorized, upon reimbursement by him to the Indian of the amount of taxes, including penalties and interest, paid thereon, and upon payment by the State, county, or political subdivision thereof of the costs of the suit, to cause such judgment to be released: *Provided further*, That in any case in which a claim has been reduced to judgment and such judgment has been satisfied, the Secretary of the Interior is authorized, upon proof of satisfaction thereof, to reimburse the State, county, or political subdivision thereof, for the actual amount of the judgment, exclusive of the costs of litigation.

SEC. 2. There is hereby authorized to be appropriated the sum of \$75,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this Act.

Any appropriations made pursuant to this section shall remain available until expended.

Approved, June 11, 1940.

[CHAPTER 316]

AN ACT

To facilitate the control of soil erosion and/or flood damage originating upon lands within the exterior boundaries of the Angeles National Forest, California.

June 11, 1940
[H. R. 2009]
[Public, No. 591]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands, or interests therein, within the boundaries of the Angeles National Forest, in the State of California, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands, or interests therein, from the entire receipts from occupancy of public land or from the sale of natural resources other than mineral, within the Angeles National Forest, which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired: *Provided*, That any appropriated amounts which are unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year and amounts so transferred and such part of the entire receipts of any fiscal year as are not appropriated shall be disposed of in like manner as other national-forest receipts.

Angeles National Forest, Calif.
Acquisition of lands in, for soil erosion, etc., control.
36 Stat. 962.

Payment from Forest receipts, etc.

Appropriation authorized.

Proviso.
Transfer of unexpended appropriations.

Approved, June 11, 1940.

[CHAPTER 317]

AN ACT

Authorizing the selection of a site in the District of Columbia and the erection thereon of a statue of George Washington.

June 11, 1940
[H. R. 6168]
[Public, No. 592]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Architect of the Capitol is authorized and directed to select a suitable site within the Capitol grounds of the United States in the District of Columbia for the erection of a statue of George Washington, and to erect thereon the replica in bronze, cast by the Gorham Company and now in its possession, of the statue by J. Q. A. Ward, which stands on the steps of the Subtreasury Building in the city of New York. Such statue shall be erected upon a suitable granite pedestal, the design of which shall be approved by the National Commission of Fine Arts.

District of Columbia.
Statue of George Washington.
Site.

Pedestal.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$25,000, or so much thereof as may be necessary, to carry out the provisions of this Act.

Appropriation authorized.

Approved, June 11, 1940.

[CHAPTER 318]

AN ACT

To authorize the Secretary of the Interior to convey to the State of North Carolina for use in connection with the Blue Ridge Parkway certain land within the Cherokee Indian Reservation in the State of North Carolina.

June 11, 1940
[H. R. 6668]
[Public, No. 593]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey to the State of North Carolina for use as a right-of-way in connection with the Blue Ridge Parkway in the State of North Carolina all right, title, and

Blue Ridge Parkway, N. C.
Conveyance of land to State of N. C., authorized.

Description.	<p>interest of the United States and the Eastern Band of Cherokee Indians in such land and the timber thereon, to be determined as hereinafter provided, within the Cherokee Indian Reservation in the State of North Carolina as may be necessary for the construction and maintenance of such parkway over the following course: Beginning at a point in State Highway Numbered 293 near Soco Gap and extending to a junction with State Highway Numbered 107, near the mouth of the Ravens Fork of the Oconoluftee River by way of the following approximate controls: Leaving Soco Gap and following the east and northerly slopes of Soco and Bunches Bald ridge and crossing through Docks Gap to the south and west side of Soco and Bunches Bald; thence crossing Lickstone Ridge and entering Bunches Gap from the south; thence from Bunches Gap, following the south slopes of the main ridge, crossing Jenkins Divide ridge and entering Big Witch Gap from the southeast; thence leaving Big Witch Gap in a northwesterly direction and keeping on the northerly and westerly slopes of the main ridge, but crossing the various spur ridges circling around the heads of Mingo Creek and Sherrills Cove, and around the north end of the ridge lying immediately northeast of the Ravensford Mill site, crossing the Oconoluftee River to the junction with State Highway Numbered 107, previously referred to, and in addition, starting in a northeasterly direction from Bunches Gap passing about one-half mile north of Soco Bald; thence turning north and intersecting the boundary between the Qualla Indian Reservation and the Great Smoky Mountains National Park at a point approximately one mile northeast of Bunches Gap.</p>
Survey before conveyance.	<p>SEC. 2. Before making such conveyance, the Secretary of the Interior shall have the lands along such course surveyed and shall determine the exact location and boundaries of the land to be conveyed for use as such right-of-way, which shall not exceed one hundred and twenty-five acres per mile. The deed of conveyance for such land shall contain an accurate description of the location and boundaries of such land in order that the interests of the United States and the Eastern Band of Cherokee Indians may be properly protected.</p>
Deed of conveyance.	
Payment by State to U. S.	<p>SEC. 3. In consideration of conveyance, the State of North Carolina shall pay to the United States the sum of \$40,000 or \$30 per acre for the lands embraced in the right-of-way described in section 1, whichever sum is the largest, which shall be deposited in the Treasury to the credit of the Eastern Band of Cherokee Indians and held in trust by the United States for the Eastern Band of Cherokee Indians. It is understood and agreed that the State of North Carolina shall build without further payment for right-of-way, and without expense to the United States or the Cherokee Indians, a suitable State highway between Soco Gap and Cherokee Village, subject to the same laws, rules and regulations applicable to all State highways of North Carolina.</p>
Deposit.	
Construction of State highway; location.	
Eastern Band of Cherokee Indians. Granting to, of interest in designated lands, authorized.	<p>SEC. 4. The Secretary of the Interior is hereby authorized, in his discretion, to grant to the Eastern Band of Cherokee Indians the beneficial interest in any lands selected by the council of said band within the Boundary Tree tract, containing approximately eight hundred and eighty-four acres; and the said Secretary is hereby directed to exclude from the Great Smoky Mountains National Park any lands so selected and granted. Prior to the consummation of any such grant, payment shall be made for all lands included therein by the transfer of a sum equal to the fair market value of such lands, as determined by the Secretary of the Interior, from any funds in the United States Treasury to the credit of said band, including funds made available under section 3 hereof, to the credit of the fund</p>
Payment by transfer of funds.	

"National Park Service, donations", which transfer the Secretary of the Treasury is hereby authorized to make upon request by the council of said band approved by the Secretary of the Interior. Funds so transferred shall be available for national park and monument uses, including the acquisition of lands for inclusion in the Great Smoky Mountains National Park. All lands purchased or otherwise acquired for the Eastern Band of Cherokee Indians under authority contained in this Act shall constitute a part of the Cherokee Indian Reservation in North Carolina, shall be held by the United States in trust for said band, and shall be nontaxable, nonalienable to the same extent as other lands within said reservation.

Approved, June 11, 1940.

Availability of transferred funds.

Inclusion of acquired lands in Reservation.

[CHAPTER 319]

AN ACT

To amend the service pension Acts pertaining to the War with Spain, Philippine Insurrection, and the China Relief Expedition to include certain continuous service.

June 11, 1940
[H. R. 7147]
[Public, No. 594]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in determining the period of active service for the purpose of the Act of May 1, 1926 (Public Law Numbered 166, Sixty-ninth Congress), the Act of June 2, 1930 (Public Law Numbered 299, Seventy-first Congress), and the Act of May 24, 1938 (Public Law Numbered 541, Seventy-fifth Congress), granting service pensions to veterans and dependents of deceased veterans of the War with Spain, the Philippine Insurrection, or the China Relief Expedition, continuous active service entered into during the War with Spain, the Philippine Insurrection, or the China Relief Expedition shall be included although part of such continuous service extended into either the Philippine Insurrection or the China Relief Expedition. Payments of benefits under the provisions of this Act shall be effective the date of enactment thereof as to those persons on the rolls and as to claims pending on the date of enactment of this Act. In all other cases awards of pension authorized hereunder shall be effective from date of application therefor after the date of enactment of this Act.

Pensions.
Determination of period of active service of certain veterans.
44 Stat. 382; 46 Stat. 492; 52 Stat. 440.
35 U. S. C. §§ 364-365b; Supp. V, §§ 364c, 365, 365a, 365d, 370-370d.

Payments, effective date.

Approved, June 11, 1940.

[CHAPTER 320]

AN ACT

To transfer the site and buildings of the Tomah Indian School to the State of Wisconsin.

June 11, 1940
[H. R. 7530]
[Public, No. 595]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to transfer to the State of Wisconsin, upon such terms and in such manner as may be mutually agreed upon, for institutional or other public use, title to all or any part of the property known and designated as the Tomah Indian School located at Tomah, Wisconsin.

Approved, June 11, 1940.

Tomah Indian School, Wis.
Transfer to State of Wisconsin of title to property.

[CHAPTER 321]

AN ACT

To establish the Hot Springs division of the Western Judicial District of Arkansas.

June 11, 1940
[H. R. 7811]
[Public, No. 596]

Judicial Code,
amendments.
Ante, p. 109.

Arkansas judicial
districts.

Western district.
Divisions.
Texarkana.

El Dorado.

Fort Smith.

Harrison.

Fayetteville.

Hot Springs.

Terms of courts.

Provisos.
Accommodations at
Fayetteville and Hot
Springs.

Use of Federal build-
ings, etc.

Referee in bank-
ruptcy, Hot Springs
division, appointment.

Offices of clerk.

Eastern district.
Divisions.
Eastern.

Northern.

Jonesboro.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (a), (b), (c), (d), (e), (f), and (g) of section 71 of the Judicial Code, as amended (U. S. C., 1934 edition, title 28, sec. 144), are amended to read as follows:

"SEC. 71. (a) The State of Arkansas is divided into two districts, to be known as the western and eastern districts of Arkansas.

"(b) The western district shall include six divisions constituted as follows: The Texarkana division, which shall include the territory embraced on July 1, 1920, in the counties of Sevier, Howard, Little River, Hempstead, Miller, Lafayette, and Nevada; the El Dorado division, which shall include the territory embraced on such date in the counties of Columbia, Ouachita, Union, Ashley, Bradley, and Calhoun; the Fort Smith division, which shall include the territory embraced on such date in the counties of Polk, Scott, Logan, Sebastian, Franklin, Crawford, and Johnson; the Harrison division, which shall include the territory embraced on such date in the counties of Baxter, Boone, Carroll, Marion, Newton, and Searcy; the Fayetteville division, which shall include the territory embraced on such date in the counties of Benton, Madison, and Washington; and the Hot Springs division, which shall include the territory embraced on such date in the counties of Pike, Clark, Garland, Hot Spring, and Montgomery.

"(c) Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the El Dorado division, at El Dorado on the third Mondays in April and October; for the Fort Smith division, at Fort Smith on the second Mondays in January and June; for the Harrison division, at Harrison on the first Mondays in April and October; for the Fayetteville division at Fayetteville on the second Mondays in March and October and for the Hot Springs division at Hot Springs on the third Mondays in March and September: *Provided*, That suitable rooms and accommodations for holding court at Fayetteville and Hot Springs are furnished without expense to the United States: *Provided further*, That nothing in this section shall be construed to prevent the provision of quarters for the officers of said court and appropriate courtrooms for the holding of the sessions of said court in any new Federal building or addition or annex thereto which may be constructed in Fayetteville or Hot Springs: *Provided further*, That the referee in bankruptcy of the western division of the eastern district may be appointed by the judge of the western district as referee in bankruptcy for the division herein created at Hot Springs.

"(d) The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Texarkana, Fort Smith, El Dorado, Harrison, and Hot Springs. Such offices shall be kept open at all times for the transaction of the business of the court.

"(e) The eastern district shall include four divisions constituted as follows: The eastern division, which shall include the territory embraced on July 1, 1920, in the counties of Desha, Lee, Phillips, Saint Francis, Cross, Monroe, and Woodruff; the northern division, which shall include the territory embraced on such date in the counties of Fulton, Independence, Cleburne, Stone, Izaard, Sharp, and Jackson; the Jonesboro division, which shall include the territory embraced on such date in the counties of Crittenden, Clay, Craighead, Greene,

Mississippi, Poinsett, Randolph, and Lawrence; the western division, which shall include the territory embraced on such date in the counties of Arkansas, Chicot, Cleveland, Conway, Dallas, Drew, Faulkner, Grant, Jefferson, Lincoln, Lonoke, Perry, Pope, Prairie, Pulaski, Saline, Van Buren, White, and Yell.

“(f) Terms of the district court for the eastern division shall be held at Helena on the second Monday in March and the first Monday in October; for the northern division, at Batesville on the fourth Monday in May and the second Monday in December; for the Jonesboro division, at Jonesboro on the first Monday in May and the fourth Monday in November; and for the western division, at Little Rock on the first Monday in April and the third Monday in October.

“(g) The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Helena, Batesville, Jonesboro, and Little Rock. Such offices shall be kept open at all times for the transaction of the business of the court.”

SEC. 2. The Act of April 21, 1926 (ch. 168, 44 Stat. 304), is hereby repealed.

Approved, June 11, 1940.

Western.

Terms of courts.

Offices of clerk.

Repeal of designated act.
28 U. S. C. § 144 (e).

[CHAPTER 322]

AN ACT

To transfer certain Indian lands to the Grand River Dam Authority, and for other purposes.

June 11, 1940

[H. R. 7901]

[Public, No. 597]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Grand River Dam Authority, a public corporation of the State of Oklahoma, all the right, title, and interest held by the United States and by individual Indians and tribes of Indians in Indian lands located in Ottawa, Delaware, Craig, and Mayes Counties, Oklahoma, lying below an elevation of seven hundred and fifty feet above mean sea level, which may be required for the Grand River Dam Reservoir, subject, however, to the consent of the respective individual Indian owners or tribes as the case may be, the approval of a map of definite location by the Secretary of the Interior, and the payment of such compensation as he may determine: *Provided*, That should any individual owners or tribes refuse their consent, condemnation is hereby authorized, in the appropriate Federal district court, the United States to be made a party defendant with the Indians: *Provided further*, That the consent of the Cherokee Nation shall be given by and through a principal Chief to be appointed under section 6 of the Act of April 26, 1906 (34 Stat. 137, 139): *Provided further*, That as to the lands of the Seneca Indian School, the interest conveyed hereby shall be a flowage easement only.

SEC. 2. The Secretary of the Interior is hereby authorized to prescribe necessary rules and regulations for carrying out this Act, and in his discretion to utilize the compensation received hereunder in the purchase of lieu lands, to be held in like manner as may be appropriate in each case, subject where applicable to the provisions of the Act of June 30, 1932 (47 Stat. 474).

Approved, June 11, 1940.

Grand River Dam Authority.
Granting to, of certain Indian lands.

Conditions.

Provisos.
Condemnation authorized.

Consent of Cherokee Nation.

Seneca Indian School lands.

Regulations, etc.

Purchase of lieu lands.

25 U. S. C. § 409a.

[CHAPTER 323]

AN ACT

June 11, 1940
[H. R. 8119]
[Public, No. 598]

To amend the Criminal Code so as to confer concurrent jurisdiction on courts of the United States over crimes committed on certain Federal reservations.

Criminal Code,
amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 272, paragraph Third of the Criminal Code (Act of March 4, 1909, sec. 272; 35 Stat. 1143; U. S. C., title 18, sec. 451) be amended to read as follows:

Offenses on lands
under exclusive or
concurrent jurisdic-
tion of U. S.

“Third. When committed within or on any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.”

Approved, June 11, 1940.

[CHAPTER 324]

AN ACT

June 11, 1940
[H. R. 8283]
[Public, No. 599]

To amend section 4370 of the Revised Statutes of the United States (U. S. C., 1934 edition, title 46, sec. 316).

Shipping.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4370 of the Revised Statutes of the United States (U. S. C., 1934 edition, title 46, sec. 316) is amended to read as follows:

Towing of vessels
between U. S. ports.

“SEC. 4370. (a) It shall be unlawful for any vessel not wholly owned by a person who is a citizen of the United States within the meaning of the laws respecting the documentation of vessels and not having in force a certificate of registry, a certificate of enrollment, or a license, issued pursuant to title XLVIII or title L of the Revised Statutes, or a certificate of award of number issued pursuant to the Act of June 7, 1918, as amended (U. S. C., 1934 edition, Supp. IV, title 46, sec. 288), to tow any vessel other than a vessel of foreign registry, or a vessel in distress, from any port or place in the United States, its Territories or possessions, embraced within the coastwise laws of the United States, to any other port or place within the same, either directly or by way of a foreign port or place, or to do any part of such towing, or to tow any such vessel, from point to point within the harbors of such places. The owner and master of any vessel towing another vessel in violation of the provisions of this section shall each be liable to a fine of not less than \$250 nor more than \$1,000, which fines shall constitute liens upon the offending vessel enforceable through the district court of the United States for any district in which such vessel may be found, and clearance shall not be granted to such vessel until the fines have been paid. The towing vessel shall also be further liable to a penalty of \$50 per ton on the measurement of every vessel towed in violation of this section, which sum may be recovered by way of libel or suit.

40 Stat. 602.
46 U. S. C. § 283;
Supp. V, § 288.

Penalties.

Fines to constitute
liens on vessels.

Additional penalty.

Term “person” de-
fined.

“(b) The term ‘person’ as used in subsection (a) of this section, shall be held to include persons, firms, partnerships, associations, organizations, and corporations, doing business or existing under or by the authority of the laws of the United States, or of any State, Territory, district, or other subdivision thereof.

Foreign railroad en-
tering U. S. by means
of ferry, etc.; opera-
tion of such vessels.

“(c) Any foreign railroad company or corporation, whose road enters the United States by means of a ferry, tugboat, or towboat, may own such vessel and operate the same in connection with the water transportation of the passenger, freight, express, baggage, and mail

cars used by such road, together with the passengers, freight, express matter, baggage, and mails transported in such cars, without being subject to any other or different restrictions than those imposed by law on any vessel of the United States entering ports of the United States from ports in the same foreign country: *Provided*, That except as authorized by section 27 of the Merchant Marine Act, 1920, as amended (U. S. C., 1934 edition, Supp. IV, title 46, sec. 883), such ferry, tugboat, or towboat shall not, under penalty of forfeiture, be used in connection with the transportation of any merchandise shipped from any port or place in the United States, its Territories or possessions, embraced within the coastwise laws of the United States, to any other port or place within the same.

“(d) No foreign vessel shall, under penalty of forfeiture, engage in salvaging operations on the Atlantic or Pacific coast of the United States, in any portion of the Great Lakes or their connecting or tributary waters, including any portion of the Saint Lawrence River through which the international boundary line extends, or in territorial waters of the United States on the Gulf of Mexico, except when authorized by a treaty or in accordance with the provisions of the Act of June 19, 1878, as amended (U. S. C., 1934 edition, title 46, sec. 725): *Provided, however*, That if, on investigation, the Secretary of Commerce is satisfied that no suitable vessel wholly owned by a person who is a citizen of the United States and documented under the laws of the United States or numbered pursuant to the Act of June 7, 1918, as amended (U. S. C., 1934 edition, Supp. IV, title 46, sec. 288), is available in any particular locality he may authorize the use of a foreign vessel or vessels in salvaging operations in that locality and no penalty shall be incurred for such authorized use.

“(e) Nothing in this section shall be held or construed to prohibit or restrict any assistance to vessels or salvage operations authorized by article II of the treaty between the United States and Great Britain ‘concerning reciprocal rights for United States and Canada in the conveyance of prisoners and wrecking and salvage’ signed at Washington, May 18, 1908 (35 Stat. 2036), or by the treaty between the United States and Mexico ‘to facilitate assistance to and salvage of vessels in territorial waters’, signed at Mexico City, June 13, 1935 (49 Stat. 3359).”

Approved, June 11, 1940.

[CHAPTER 325]

AN ACT

To limit the interpretation of the term “products of American fisheries”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That wherever, in the statutes of the United States or in the rulings, regulations, or interpretations of various administrative bureaus and agencies of the United States there appears or may appear the term “products of American fisheries” said term shall not include fresh or frozen fish fillets, fresh or frozen fish steaks, or fresh or frozen slices of fish substantially free of bone (including any of the foregoing divided into sections), produced in a foreign country or its territorial waters, in whole or in part with the use of the labor of persons who are not residents of the United States.

SEC. 2. This Act shall take effect on the day following the date of enactment hereof.

Approved, June 11, 1940.

Proviso.
Transportation of merchandise not authorized; exception.
41 Stat. 999.
46 U. S. C. § 883; Supp. V, § 883.

Salvaging operations by foreign vessel, restriction.

20 Stat. 175.

Proviso.
Use of foreign vessels.

40 Stat. 602.
46 U. S. C. § 288; Supp. V, § 288.

Assistance to vessels or salvage operations. Treaties with Great Britain and Mexico.

June 11, 1940

[H. R. 8475]

[Public, No. 600]

“Products of American fisheries,” interpretation.

Effective date.

[CHAPTER 326]

AN ACT

June 11, 1940
[H. R. 9492]
[Public, No. 601]

Making it a misdemeanor to stow away on vessels and providing punishment therefor.

Stowaways on ves-
sels.

Penalty.

Aiding, etc., in vio-
lations; penalty.

Certain laws not
affected.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person, without the consent of the owner, charterer, or master of any vessel and with intent to obtain, without paying therefor, transportation on such vessel to any place, within or without the United States, who shall board, enter, or secrete himself aboard such vessel, and shall be thereon at the time of departure of said vessel from a port, harbor, wharf, or other place within the jurisdiction of the United States, including the Canal Zone, or who, having boarded, entered, or secreted himself aboard such vessel in any place within or without the jurisdiction of the United States, shall remain aboard any such vessel after such vessel has left such place and who shall be found thereon at or before the time of arrival of such vessel at any place within the jurisdiction of the United States, including the Canal Zone, shall be guilty of a misdemeanor and shall be liable to a fine not exceeding \$500 or imprisonment for a period not exceeding one year, or both, in the discretion of the court.

SEC. 2. Whoever shall knowingly aid, abet, or assist any person to violate this Act shall be guilty of a misdemeanor and shall be liable to a fine not exceeding \$1,000 or imprisonment for a period not exceeding one year, or both, in the discretion of the court.

SEC. 3. Nothing contained in this Act shall modify, restrict, alter, or change in any particular any laws of the United States in existence at the date of enactment of this Act, or which shall be thereafter enacted either for the purpose of preventing any person from entering the United States in violation of the laws of the United States or for the purpose of securing the deportation from the United States of any person who, under the laws of the United States, shall be subject to deportation.

Approved, June 11, 1940.

[CHAPTER 327]

JOINT RESOLUTION

June 11, 1940
[H. J. Res. 537]
[Pub. Res., No. 82]

To make temporary emergency provision for the determination of foreign construction costs under section 502 (b) of the Merchant Marine Act, 1936, as amended.

Determination of
foreign ship-construction
costs.

Ante, p. 4.
22 U. S. C., Supp. V,
§ 2451.

49 Stat. 1996.
46 U. S. C., Supp.
V, § 1152 (b).

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the period of one year from the date of the enactment of this joint resolution or until the revocation within such one-year period of the proclamations heretofore issued by the President under section 1 (a) of the Neutrality Act of 1939, the United States Maritime Commission is authorized to make, upon the basis of conditions existing during the period prior to September 3, 1939, the determinations under section 502 (b) of the Merchant Marine Act, 1936, as amended, of estimated foreign cost of vessels covered by construction contracts executed after that date.

Approved, June 11, 1940.

[CHAPTER 333]

AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1941, and for other purposes.

June 12, 1940
[H. R. 9109]
[Public, No. 602]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1941, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, and, in addition, \$6,000,000 is appropriated, out of any money in the Treasury not otherwise appropriated, to be advanced July 1, 1940, and all of the remainder out of the combined revenues of the District of Columbia, namely:

District of Columbia Appropriation Act, 1941.

GENERAL EXPENSES

EXECUTIVE OFFICE

For personal services, \$48,560, plus so much as may be necessary to compensate the Engineer Commissioner at such rate in grade 8 of the professional and scientific service of the Classification Act of 1923, as amended, as may be determined by the Board of Commissioners: *Provided*, That in expending appropriations or portions of appropriations contained in this Act for the payment of personal services in accordance with the Classification Act of 1923, as amended, with the exception of the two civilian Commissioners, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade, but not more often than once in any fiscal year and then only to the next higher rate: *Provided further*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service; (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such Act; (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit; (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law; or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Purchasing division: For personal services, \$56,560.

Department of inspections: For personal services, \$253,760, including two members of plumbing board at \$150 each, and two members, board of examiners, steam engineers, at \$150 each, the inspector of boilers to serve without additional compensation.

Personal services.

Propisos.
Salary restriction.
42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

Exception.

Restriction not applicable in designated cases.

42 Stat. 1490.
5 U. S. C. § 666.

Purchasing division.
Department of inspections.
Post, p. 635.

Office of Poundmaster.

Office of Poundmaster: For personal services, including the salary of the poundmaster at \$2,200 per annum, purchase (including exchange) of one motortruck, maintenance and operation of motor vehicles, and other necessary expenses, \$11,980.

PUBLIC CONVENIENCE STATIONS

Maintenance.

For maintenance of public convenience stations, including compensation of necessary employees, \$14,000.

CARE OF THE DISTRICT BUILDINGS

Personal services.

For personal services, including temporary labor, and service of cleaners as necessary at not to exceed 48 cents per hour, \$196,210: *Provided*, That no other appropriation made in this Act shall be available for the employment of additional assistant engineers or watchmen for the care of the District buildings.

Proviso.
Additional assistant engineers or watchmen.

Fuel, light, etc.

For fuel, light and power, repairs, laundry, and miscellaneous supplies, \$95,730.

ASSESSOR'S OFFICE

Personal services.

For personal services, \$293,940.

BOARD OF TAX APPEALS

Personal services.
52 Stat. 370; 53 Stat. 1108.
20 D. C. Code, Supp. V, §§ 972-979e.

For personal services in accordance with title IX of the Act entitled "An Act to amend the District of Columbia Revenue Act of 1937, and for other purposes", approved May 16, 1938, as amended by the Act of July 26, 1939, \$14,040.

COLLECTOR'S OFFICE

Personal services.

For personal services, \$53,320.

AUDITOR'S OFFICE

Personal services.
Disbursing officer, compensation.

For personal services, \$159,640; and the compensation of the present incumbent of the position of disbursing officer of the District of Columbia shall be exclusive of his compensation as United States property and disbursing officer for the National Guard of the District of Columbia.

OFFICE OF CORPORATION COUNSEL

Corporation counsel, extra pay.
Personal services.

Corporation counsel, including extra compensation as general counsel of the Public Utilities Commission, and other personal services, \$122,880.

ALCOHOLIC BEVERAGE CONTROL BOARD

Personal services and expenses.

For personal services, streetcar and bus transportation, telephone service, not exceeding \$1,000 for the purchase of samples, not exceeding \$100 for witness fees, and not less than \$8,000 for beverage tax stamps, and other necessary contingent and miscellaneous expenses, \$44,160.

CORONER'S OFFICE

Personal services.
42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.
Morgue, etc., expenses.

For personal services, including deputy coroners, in accordance with the Classification Act of 1923, as amended, \$13,180.

For the maintenance of a non-passenger-carrying motor wagon for the morgue, jurors' fees, witnesses' fees, ice, disinfectants, telephone service, and other necessary supplies, repairs to the morgue,

and the necessary expenses of holding inquests, including stenographic services in taking testimony and photographing unidentified bodies, \$4,700.

OFFICE OF SUPERINTENDENT OF WEIGHTS, MEASURES, AND MARKETS

For personal services, \$58,460.

Weights, measures, and markets, expenses: For contingent expenses, and maintenance and repairs to markets, including not to exceed \$1,000 for purchase of commodities and for personal services in connection with investigation and detection of sales of short weight and measure, maintenance and repair of motor vehicles, and not exceeding \$750 for the purchase, including exchange, of one motor vehicle equipped for making investigations of sales of gasoline and oil by short measure, \$9,175.

Personal services.
Contingent ex-
penses.

Vehicles.

OFFICE OF CHIEF CLERK, ENGINEER DEPARTMENT

For personal services, \$32,340.

Personal services.

MUNICIPAL ARCHITECT'S OFFICE

For personal services, \$64,880.

All apportionments of appropriations for the use of the municipal architect in payment of personal services employed on construction work provided for by said appropriations shall be based on an amount not exceeding 3 per centum of a total of not more than \$2,000,000 of appropriations made for such construction projects and not exceeding $2\frac{3}{4}$ per centum of a total of the appropriations in excess of \$2,000,000, and appropriations specifically made in this Act for the preparation of plans and specifications shall be deducted from any allowances authorized under this paragraph: *Provided*, That reimbursements may be made to this fund from appropriations contained in this Act for services rendered other activities of the District Government, without reference to fiscal-year limitations on such appropriations.

Personal services.
Apportionments of
appropriations.

Post, pp. 319, 320.

Proviso,
Reimbursements.

PUBLIC UTILITIES COMMISSION

For two commissioners, and for other personal services, \$69,920.

For incidental and all other general necessary expenses authorized by law, including the purchase of newspapers, \$1,500.

No part of the appropriations contained in this Act shall be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Utilities Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Utilities Commission.

Commissioners, etc.
Incidental, etc., ex-
penses.
Meters in taxicabs;
zones and rates.

DEPARTMENT OF INSURANCE

For personal services, \$28,000.

Personal services.

SURVEYOR'S OFFICE

For personal services, \$80,820.

Personal services.

MINIMUM WAGE BOARD

For personal services, \$15,280.

Personal services.

ZONING COMMISSION

Salaries and expenses.

52 Stat. 797.
25 D. C. Code,
Supp. V, §§ 531-547.

For salaries and expenses necessary for the administration of the Act entitled "An Act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes", approved June 20, 1938, \$10,860.

COMMISSION ON MENTAL HEALTH

Compensation of members, etc.

Proviso.
Executive secretary;
physician-members.

For compensation of members of the Commission on Mental Health of the District of Columbia, and other personal services, including payment of witness fees and mileage, \$18,720: *Provided*, That the salary of the executive secretary shall be at the rate of \$3,000 per annum and the salary of each physician-member shall be at the rate of \$3,800 per annum.

DISTRICT OF COLUMBIA EMPLOYEES' COMPENSATION FUND

Payments for injuries.

41 Stat. 104.
5 U. S. C. § 794.

For carrying out the provisions of section 11 of the District of Columbia Appropriation Act approved July 11, 1919, extending to the employees of the government of the District of Columbia the provisions of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, \$41,500.

Administrative expenses.

19 D. C. Code §§ 11,
12.
Transfer of funds.
Post, p. 594.

Administrative expenses, compensation to injured employees in the District of Columbia: For the enforcement of the Act entitled "An Act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes", approved May 17, 1928 (45 Stat. 600), \$65,900, for transfer to and expenditure by the Employees' Compensation Commission under its appropriations "Salaries and expenses", \$65,600, and "Printing and binding", \$300.

Retirement Act, contribution.

41 Stat. 614.
5 U. S. C. §§ 691-738;
Supp. V, §§ 693-736b.

For financing of the liability of the government of the District of Columbia, created by the Act entitled "An Act for the retirement of employees in the classified civil service, and for other purposes", approved May 22, 1920, and Acts amendatory thereof (5 U. S. C. 707a), \$805,110, which amount shall be placed to the credit of the "civil service retirement and disability fund".

REGISTER OF WILLS

Personal services.

Contingent expenses.

For personal services, \$77,980.

For miscellaneous and contingent expenses, telephone bills, printing, contract statistical services, typewriters, photostat paper and supplies, including laboratory coats and photographic developing-room equipment, towels, towel service, window washing, streetcar tokens, furniture and equipment and repairs thereto, and purchase of books of reference, law books, and periodicals, \$13,120.

RECORDER OF DEEDS

Personal services.

Contingent expenses.

For personal services, \$112,920.

For miscellaneous and contingent expenses, including telephone service, printing, binding, rebinding, repairing, and preservation of records; typewriters, towels, towel service, furniture and equipment and repairs thereto; books of reference, law books and periodicals, streetcar tokens, postage; not exceeding \$100 for rest room for sick and injured employees and the equipment of and medical supplies for said rest room, and all other necessary incidental expenses, \$12,500.

Rent.
Post, p. 342.

For rent of offices of the recorder of deeds, \$15,000, to be expended without reference to the provisions of section 6 of this Act.

CONTINGENT AND MISCELLANEOUS EXPENSES

For checks, books, lawbooks, books of reference, periodicals, newspapers, stationery; surveying instruments and implements; drawing materials; binding, rebinding, repairing, and preservation of records; ice; including \$575 for affiliation with the National Safety Council, Incorporated; traveling expenses not to exceed \$3,000; including payment of dues and traveling expenses in attending conventions when authorized by the Commissioners of the District of Columbia; expenses authorized by law in connection with the removal of dangerous or unsafe and insanitary buildings, including payment of a fee of \$6 per diem to each member of board of survey, other than the inspector of buildings, while actually employed on surveys of dangerous or unsafe buildings; not exceeding \$3,000 for the settlement of claims not in excess of \$250 each, approved by the Commissioners under and in accordance with the provisions of the Act entitled "An Act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia", approved February 11, 1929 (45 Stat. 1160), as amended by the Act approved June 5, 1930 (46 Stat. 500); not to exceed \$250 to aid in support of the National Conference of Commissioners on Uniform State Laws; maintenance and repair of wharves; and other general necessary expenses of District offices, \$33,000: *Provided*, That no part of this or any other appropriation contained in this Act shall be expended for printing or binding a schedule or list of supplies and materials for the furnishing of which contracts have been or may be awarded.

For postage for strictly official mail matter, including the rental of postage-meter equipment, \$29,700.

For judicial expenses, including witness fees, and expert services in District of Columbia cases before the District Court of the United States for the District of Columbia, \$1,500: *Provided*, That the Commissioners of the District of Columbia are authorized, when in their judgment such action be deemed in the public interest, to contract for stenographic reporting services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) under available appropriations contained in this Act: *Provided further*, That neither the District of Columbia nor any officer thereof acting in his official capacity for the District of Columbia shall be required to pay court costs to the clerk of the District Court of the United States for the District of Columbia.

For general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, \$6,500: *Provided*, That this appropriation shall not be available for the payment of advertising in newspapers published outside of the District of Columbia, notwithstanding the requirement for such advertising provided by existing law.

For advertising notice of taxes in arrears July 1, 1940, as required to be given by the Act of February 28, 1898, as amended, to be reimbursed by a charge of 50 cents for each lot or piece of property advertised, \$3,000: *Provided*, That this appropriation shall not be available for the payment of advertising the delinquent tax list for more than once a week for two weeks in the regular issue of one morning or one evening newspaper published in the District of Columbia, notwithstanding the provisions of existing law.

For printing and binding \$48,125: *Provided*, That no part of the appropriation contained in this Act shall be available for expenditure for printing and binding unless the need for such expenditure shall have been specifically approved by the Commissioners of the District of Columbia, or by the purchasing officer and the auditor

Checks, books, newspapers, etc.

National Safety Council, Inc.

Removal of unsafe, etc., buildings.

Settlement of claims.

20 D. C. Code §§ 103-106.
20 D. C. Code, Supp. V, § 103.
Uniform State laws, conference.

Proviso.
Printing, etc., list of supplies.

Postage.

Judicial expenses.

Provisos.
Stenographic reporting services.

No court costs in designated court.

General advertising.

Proviso.
Advertising outside D. C.

Taxes in arrears.
30 Stat. 250.
20 D. C. Code §§ 791-798; Supp. V, §§ 791-798.
Proviso.
Advertising of delinquent tax list.

Printing and binding.
Provisos.
Approval of requisition.

Reappropriation.
53 Stat. 1009.

for the District of Columbia acting for such Commissioners: *Provided further*, That the unexpended balance of the appropriation under this head in the District of Columbia Appropriation Act, 1940, is hereby continued available until June 30, 1941.

CENTRAL GARAGE

Automobiles, main-
tenance, etc.

For maintenance, care, repair, and operation of passenger-carrying automobiles owned by the District of Columbia, including personal services, \$62,460; for purchase (including exchange) of passenger-carrying automobiles, \$10,000; and for purchase (including exchange) of one ambulance for the Health Department, \$2,000; in all, \$74,460.

Private vehicle al-
lowances.

For allowances for furnishing privately owned motor vehicles in the performance of official duties at a rate of not to exceed \$264 per year for each automobile, \$10,560: *Provided*, That allowances under this appropriation shall be made only to persons whose duties require full-time field service.

Proviso.
Restriction.

Use of District-
owned vehicles.

All motor-propelled passenger-carrying vehicles owned by the District of Columbia shall be used exclusively for "official purposes" directly pertaining to the public services of said District, and shall be under the direction and control of the Commissioners, who may from time to time alter or change the assignment for use thereof or direct the joint or interchangeable use of any of the same by officials and employees of the District, except as otherwise provided in this Act; and "official purposes" shall not include the transportation of officers and employees between their domiciles and places of employment, except as to the Commissioners of the District of Columbia and in cases of officers and employees the character of whose duties makes such transportation necessary, and then only as to such latter cases when the same is approved by the Commissioners: *Provided*, That no passenger-carrying automobile, except busses, station wagons, patrol wagons, and ambulances, and except as otherwise specifically authorized in this Act, shall be acquired under any provision of this Act, by purchase or exchange, at a cost, including the value of a vehicle exchanged, exceeding \$650. No motor vehicles shall be transferred from the police or fire departments to any other branch of the government of the District of Columbia.

Proviso.
Cost limitation.

Restriction on trans-
fers.

Appropriations in this Act shall not be used for the payment of premiums or other cost of fire insurance.

Fire-insurance pre-
miums.

Streetcar and bus
fares.

The Commissioners are authorized, in their discretion, to furnish necessary transportation in connection with strictly official business of the District of Columbia by the purchase of streetcar and bus fares from appropriations contained in this Act: *Provided*, That the expenditures herein authorized shall be so apportioned as not to exceed a total of \$11,100: *Provided further*, That the provisions of this paragraph shall not include the appropriations herein made for the fire and police departments.

Provisos.
Limitation on ex-
penditures.

Fire and police de-
partments excepted.

EMPLOYMENT SERVICE

Personal services,
etc.

For personal services and miscellaneous and contingent expenses required for maintaining a public employment service for the District of Columbia, \$4,640.

EMERGENCY FUND

Emergency fund.

To be expended in case of emergency, such as riot, pestilence, public insanitary conditions, calamity by flood, or fire, or storm, and of like character, and for other purposes, in the discretion of the Commissioners, \$3,500, of which sum \$1,000 shall be immediately avail-

able: *Provided*, That the certificate of the Commissioners shall be sufficient voucher for the expenditure of this appropriation for such purposes as they may deem necessary.

Proviso.
Voucher for expenditure.

REFUND OF ERRONEOUS COLLECTIONS

To enable the Commissioners, in any case where taxes, special assessments, school-tuition charges, payments for lost library books, rents, fines, fees, or collections of any character have been erroneously covered into the Treasury to the credit of the general revenues of the District of Columbia, to refund such erroneous payments, wholly or in part, including the refunding of fees paid for building permits authorized by the District of Columbia Appropriation Act approved March 2, 1911 (36 Stat. 967), \$68,000: *Provided*, That this appropriation shall be available for such refunds of payments made within the past three years.

Payments authorized.
Post, p. 636.

Building permits.
20 D. C. Code § 923.

Proviso.
Availability.

REPAYMENT OF LOAN FROM PUBLIC WORKS ADMINISTRATION

For reimbursement to the United States, in compliance with section 3 of the Act approved June 25, 1938 (52 Stat. 1203), of funds loaned under the authority of said Act, including interest, \$800,000.

Reimbursement.
52 Stat. 1204.

FREE PUBLIC LIBRARY

For personal services, and for substitutes and other special and temporary services, including extra services on Sundays, holidays, and Saturday half holidays, at the discretion of the librarian, \$435,380.

Personal services.

Miscellaneous: For books, periodicals, newspapers, and other printed material, including payment in advance for subscription books, and society publications, including not exceeding \$300 for music records and sound recordings, \$72,500, of which \$25,000 shall be immediately available for the stocking of the new Southwest Branch Library: *Provided*, That the disbursing officer of the District of Columbia is authorized to advance to the librarian of the Free Public Library, upon requisition previously approved by the auditor of the District of Columbia, sums of money not exceeding \$25 at the first of each month, to be expended for the purchase of certain books, pamphlets, numbers of periodicals or newspapers, or other printed material, and to be accounted for on itemized vouchers.

Miscellaneous.

Southwest Branch Library.

Proviso.
Advances for purchase of books, etc.

Accounting.

For binding, including necessary personal services, \$17,500.

Binding.

For maintenance, alterations, repairs, fuel, lighting, fitting up buildings, care of grounds, maintenance of motor delivery vehicles, and other contingent expenses, \$48,000, of which \$11,000 shall be immediately available for furniture and equipment for the new Southwest Branch.

Contingent expenses.

For rent of suitable quarters for branch libraries in Chevy Chase and Woodridge, \$5,760.

Chevy Chase and Woodridge branches, rent.

Library building, construction.

For continuing the construction in square 491 of the first unit of an extensible library building, including quarters for the administrative offices of the Board of Education, \$200,000: *Provided*, That the unexpended balances of the amounts made available by the District of Columbia Appropriation Act, 1940, for the preparation of plans and specifications for this building shall remain available for the same purposes and under the same conditions and limitations until June 30, 1941.

Proviso.
Reappropriation.
53 Stat. 1011.

SEWERS

Personal services.	For personal services, \$183,860.
Cleaning, repairing, etc.	For cleaning and repairing sewers and basins, including the replacement of the following motortrucks: Two at not to exceed \$975 each and one at not to exceed \$4,000; and for operation and maintenance of the sewage pumping service, including repairs to equipment, machinery, and pumping stations, and employment of mechanics and laborers, purchase of electricity, fuel, oil, waste, and other supplies, and the maintenance of non-passenger-carrying motor vehicles used in this work, \$228,700.
Motortrucks.	
Construction.	For construction of sewers and receiving basins, including the maintenance of non-passenger-carrying motor vehicles used in this work, and the replacement of the following motortrucks: One at not to exceed \$975 and two at not to exceed \$3,500 each, \$300,000.
Motortrucks.	
Assessment and permit work.	For assessment and permit work, sewers, including not to exceed \$1,000 for purchase or condemnation of rights-of-way for construction, maintenance, and repair of public sewers, \$275,000, of which \$75,000 shall be immediately available.
Mosquito control.	For the control and prevention of the spread of mosquitoes in the District of Columbia, including personal services, operation, maintenance, and repair of motor-propelled vehicles, purchase of two motortrucks at \$550 each to replace two motorcycles and package cars; purchase of oil, and other necessary expenses, \$12,000: <i>Provided</i> , That of the amount herein appropriated there may be transferred, in the interest of coordinating the work of mosquito control in the District of Columbia, not to exceed \$1,500 to the Public Health Service of the Federal Security Agency, the amount so transferred to be available for the objects herein specified.
Vehicles.	
<i>Proviso.</i> Transfer of funds to Public Health Service.	
<i>Post</i> , p. 584.	
Sewage treatment plant.	Sewage treatment plant: For operation and maintenance, including salaries and wages of necessary employees, supplies, repairs to buildings and equipment, purchase of electric power, fuel, oil, waste, and other necessary expenses, including the maintenance of non-passenger-carrying motor vehicles used in this work, \$200,000.
Vehicles.	

COLLECTION AND DISPOSAL OF REFUSE

Personal services.	For personal services, \$137,020.
Sweeping streets, avenues, etc.	For dust prevention, sweeping and cleaning streets, avenues, alleys, and suburban streets, under the immediate direction of the Commissioners, including services and purchase and maintenance of equipment, rent of storage rooms; maintenance and repair of garages; maintenance and repair of non-passenger-carrying motor-propelled vehicles necessary in cleaning streets, purchase and exchange of motor-propelled street-cleaning equipment, not to exceed \$29,400, and necessary incidental expenses, \$445,160.
Garbage, dead animals, etc.	To enable the Commissioners to carry out the provisions of existing law governing the collection and disposal of garbage, dead animals, night soil, and miscellaneous refuse and ashes in the District of Columbia, including inspection; fencing of public and private property designated by the Commissioners as public dumps; including not to exceed \$47,000 for the purchase and exchange of non-passenger-carrying motor vehicles; and incidental expenses, \$920,000: <i>Provided</i> , That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business or from apartment houses of four or more apartments in which the landlord furnishes heat to tenants.
Vehicles.	
<i>Proviso.</i> Collection restriction.	

ELECTRICAL DEPARTMENT

For personal services, \$97,780.

For general supplies, repairs, new batteries and battery supplies, telephone rental and purchase, telephone service charges, wire and cable for extension of telegraph and telephone service, repairs of lines and instruments, purchase of poles, tools, insulators, brackets, pins, hardware, cross arms, ice, record book, stationery, extra labor, new boxes, maintenance of motortrucks, and other necessary items, \$35,700.

For placing wires of fire alarm, police patrol, and telephone services underground, extension and relocation of police-patrol and fire-alarm systems, purchase and installing additional cables, labor, material, appurtenances, and other necessary equipment and expenses, \$30,000.

Street lighting: For purchase, installation, and maintenance of public lamps, lampposts, street designations, lanterns, and fixtures of all kinds on streets, avenues, roads, alleys, and public spaces, part cost of maintenance of airport and airway lights necessary for operation of the air mail, and for all necessary expenses in connection therewith, including rental of storerooms, extra labor, operation, maintenance, and repair of motortrucks, this sum to be expended in accordance with the provisions of sections 7 and 8 of the District of Columbia Appropriation Act for the fiscal year 1912 (36 Stat. 1008-1011, sec. 7), and with the provisions of the District of Columbia Appropriation Act for the fiscal year 1913 (37 Stat. 181-184, sec. 7), and other laws applicable thereto, \$757,500: *Provided*, That this appropriation shall not be available for the payment of rates for electric street lighting in excess of those authorized to be paid in the fiscal year 1927, and payment for electric current for new forms of street lighting shall not exceed 2 cents per kilowatt-hour for current consumed: *Provided further*, That no part of this appropriation shall be available for the payment on any contract required by law to be awarded through competitive bidding, which is not awarded to the lowest responsible bidder on specifications, and such specifications shall be so drawn as to admit of fair competition.

Personal services.
Supplies, contin-
gent expenses, etc.

Placing wires of fire-
alarm, etc., services
underground.
Ante, p. 85.

Street lighting.

Airway lights.

12 D. C. Code §§ 91-
95, 97; Supp. V, §§ 91,
95.
12 D. C. Code § 91;
Supp. V, § 91.
Provisos.
Rates, limitation.

Award to lowest
bidder.

PUBLIC SCHOOLS

For personal services of administrative and supervisory officers in accordance with the Act fixing and regulating the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, approved June 4, 1924 (43 Stat. 367-375), including salaries of presidents of teachers colleges in the salary schedule for first assistant superintendents, \$704,550.

For personal services of clerks and other employees, \$192,340.

For personal services in the department of school attendance and work permits in accordance with the Act approved June 4, 1924 (43 Stat. 367-375), the Act approved February 5, 1925 (43 Stat. 806-808), and the Act approved May 29, 1928 (45 Stat. 998), \$41,500.

For personal services of teachers and librarians in accordance with the Act approved June 4, 1924 (43 Stat. 367-375), including for teachers colleges assistant professors in salary class eleven, and professors in salary class twelve, and including \$12,900 for health and physical education teachers to supervise play in schools of the central area bounded by North Capitol Street on the east, Florida Avenue on the north, the Mall on the south, and Twelfth Street on the west,

Administrative and
supervisory officers.

7 D. C. Code §§ 31-
47; Supp. V, §§ 31-46.

Clerks, etc.

School attendance
and work permits de-
partment.

7 D. C. Code §§ 31-
47; Supp. V, §§ 31-46.
7 D. C. Code §§ 91-
143.

Teachers, librarians,
etc.
7 D. C. Code, ch. 2;
Supp. V, ch. 2.

<i>Propios.</i> Filling of vacancies.	\$7,334,194: <i>Provided</i> , That teaching vacancies that occur during the fiscal year 1941 wherever found may be filled by the assignment of teachers of special subjects and teachers not now assigned to classroom instruction, and such teachers are hereby made eligible for such assignment without further examination: <i>Provided further</i> , That the average of the salaries paid librarians in the public schools shall not exceed the average of the salaries paid employees performing the same grade of work in the Free Public Library: <i>And provided further</i> , That the Board of Education is hereby authorized to appoint two additional teachers, class 2-A, for instruction in automobile driving at a beginning salary of \$2,000 each.
Librarians, pay restriction.	
Instruction in automobile driving.	
Vacation schools, instruction, etc.	For the instruction and supervision of children in the vacation schools, and supervisors and teachers of vacation schools may also be supervisors and teachers of day schools, \$30,400.
Lectures on effects of alcoholic liquors and narcotics.	For financing one hundred and ten lectures on the effect of alcohol, marihuana, and other narcotics to be delivered by physicians and/or other qualified lecturers in all the public school buildings in the District of Columbia, which have auditoriums or other seating facilities for student assemblies, including elementary schools, high schools, and teacher's colleges, \$550.

NIGHT SCHOOLS

Salaries.	For teachers and janitors of night schools, including teachers of industrial, commercial, and trade instruction, and teachers and janitors of night schools may also be teachers and janitors of day schools, \$102,180.
Contingent expenses.	For contingent and other necessary expenses, including equipment and purchase of all necessary articles and supplies for classes in industrial, commercial, and trade instruction, \$4,000.

AMERICANIZATION WORK

Instruction of foreigners.	For Americanization work and instruction of foreigners of all ages in both day and night classes, and teachers and janitors of Americanization schools may also be teachers and janitors of the day schools, \$8,800.
Contingent expenses.	For contingent and other necessary expenses, including books, equipment, and supplies, \$600.
Instruction of children of veterans killed, etc., during World War. 48 Stat. 1125. 7 D. C. Code, Supp. V, § 259. Vocational education.	For carrying out the provisions of the Act of June 19, 1934 (34 U. S. C. 945), entitled "An Act providing educational opportunities for the children of soldiers, sailors, and marines who were killed in action or died during the World War", \$700.
20 U. S. C., Supp. V, §§ 15h-15p.	For the development of vocational education in the District of Columbia in accordance with the Act entitled "An Act to provide for the further development of vocational education in the several States and Territories", approved June 8, 1936 (49 Stat. 1488), including teacher training and supervision, trades and industries, home economics, distributive occupations, and for salaries of teacher trainers and supervisors, clerical service, printing, supplies, and postage, \$23,599.

COMMUNITY CENTER DEPARTMENT

Salaries and expenses.	For all expenses necessary for the operation and maintenance of the Community Center Department, including the expense of keeping open the public-school playgrounds during the summer months, such expenses to include personal services of the director, general secretaries and community secretaries in accordance with the Act approved June 4, 1924 (43 Stat. 369); clerks and part-time employees, including janitors on account of meetings of parent-
7 D. C. Code § 31.	

teacher associations and other activities; directors, supervisors, and other playground personnel at rates of pay to be fixed by the Board of Education, without reference to the Classification Act of 1923, as amended; special and temporary services, directors, assistants, and janitor service during the summer vacation, and in the larger yards, daily after school hours during the school term; supplies; medals; trophies; awards; lighting fixtures; and equipment, \$280,320: *Provided*, That such public-school playgrounds shall be kept open for play purposes in accordance with the schedule heretofore maintained for playgrounds while under the jurisdiction of the playground department: *Provided further*, That the activities provided for under this appropriation shall be operated under the joint control, supervision, and direction of the Commissioners of the District of Columbia and the Board of Education.

Playground personnel.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

Provisos.
Playground schedules.

Operation of activities.

CARE OF BUILDINGS AND GROUNDS

For personal services, including care of portable buildings at a rate not to exceed \$96 per annum for the care of each building, \$981,385.

Personal services.

MISCELLANEOUS

For the maintenance of schools for crippled pupils, \$4,000.

Schools for crippled pupils.
Transportation for pupils.
Proviso.
Streetcar, etc., fares.

For transportation for pupils attending schools for sight-conservation pupils, and crippled pupils, \$16,000: *Provided*, That expenditures for streetcar and bus fares from this fund shall not be subject to the general limitations on the use of streetcar and bus fares covered by this Act.

For purchase and repair of furniture, tools, machinery, material, and books, and apparatus to be used in connection with instruction in manual and vocational training, and incidental expenses connected therewith, and for insurance and all other necessary expenses in connection with the operation, maintenance, and repair of District owned or loaned automobiles used in driver-training courses, \$70,675, to be immediately available.

Manual, etc., training.

Driver-training courses.
Maintenance, etc., of automobiles.

For fuel, gas, and electric light and power, \$300,000: *Provided*, That this appropriation shall be so apportioned and distributed over the fiscal year ending June 30, 1941, and shall be so administered, during such fiscal year, as to constitute the total amount that will be utilized during such fiscal year for such purposes.

Fuel, light, and power.
Proviso.
Apportionment.

For contingent expenses, including United States flags, furniture and repairs of same, stationery, ice, paper towels, and other necessary items not otherwise provided for, and including not exceeding \$10,000 for books of reference and periodicals, not exceeding \$1,500 for replacement of pianos at an average cost of not to exceed \$300 each, and not exceeding \$7,000 for labor; in all, \$160,387, to be immediately available, of which not to exceed \$2,100 may be expended for tabulating school census cards either by contract or by day labor as the Commissioners may determine: *Provided*, That a bond shall not be required on account of military supplies or equipment issued by the War Department for military instruction and practice by the students of high schools in the District of Columbia.

Contingent expenses.

Proviso.
Military supplies issued to students, bond not required.

For the purchase of furniture and equipment to replace worn-out furniture and equipment, including not to exceed \$6,750 for the establishment of a new office-practice room in Eastern High School, \$15,000.

Replacement of worn-out equipment, etc.

For completely furnishing and equipping buildings and additions to buildings, as follows: Calvin Coolidge Senior High School; Thomas Jefferson Memorial Junior High School; Randall Junior

Furnishing and equipping designated buildings.

	High School; Dennison Vocational School; Ketcham School; Montgomery School; Banneker Junior High School; \$304,171, to be immediately available.
Supplies to pupils. 7 D. C. Code, Supp. V, §§ 253-258.	For textbooks and other educational books and supplies as authorized by the Act of January 31, 1930 (46 Stat. 62), including not to exceed \$7,000 for personal services, \$193,000, to be immediately available.
Kindergartens.	For maintenance of kindergartens, \$5,600, to be immediately available.
Supplies for general science, etc., departments.	For purchase of apparatus, fixtures, specimens, technical books, and for extending the equipment and for the maintenance of laboratories of the department of physics, chemistry, biology, and general science in the several high and junior high schools, vocational schools, and teachers colleges, and for the installation of the same, \$17,750, to be immediately available.
School gardens, utensils, etc.	For utensils, materials, and labor, for establishment and maintenance of school gardens, and for use in teaching elementary science in connection therewith, \$3,600.
Repairs, etc., to school buildings.	For repairs and improvements to school buildings and grounds, including maintenance of motortrucks, and not to exceed \$975 for the replacement of one one and one-half ton truck, not to exceed \$20,000 for replacement of boilers, not to exceed \$12,000 for replacement of the heating plant at the Garfield School, not to exceed \$3,000 for replacement of insanitary drinking fountains, not to exceed \$7,000 for replacement of insanitary toilet facilities, and not to exceed \$11,110 for alterations and improvements to the building and grounds of the Health School located on Thirteenth Street near Allison Street, Northwest, and for the purchase and installation of equipment for such school, \$466,585, of which amount \$100,000 shall be immediately available: <i>Provided</i> , That work performed for repairs and improvements under appropriations contained in this Act shall be by contract or otherwise, as may be determined by the Commissioners to be most advantageous to the District of Columbia: <i>Provided further</i> , That this appropriation shall be available for performing work of repairs and improvements to other municipal buildings, subject to reimbursement covering the cost of such work, and a report of expenditures for such repairs and improvements to other municipal buildings shall be submitted to Congress in the annual Budget.
Garfield School, heating plant.	
Health School, alterations, etc.	
<i>Provisos</i> . Contracts, etc.	
Repairs, etc., to other municipal buildings; reimbursement.	
Report to Congress.	
Improvement of municipal playgrounds.	For improvement of various municipal playgrounds and recreation centers, including erection of shelter houses, \$25,000, of which not exceeding \$1,000 shall be immediately available for the preparation of architectural and landscaping plans.
Annuities.	To carry out the purposes of the Act approved June 11, 1926, entitled "An Act to amend the Act entitled 'An Act for the retirement of public-school teachers in the District of Columbia', approved January 15, 1920, and for other purposes" (41 Stat. 387-390), \$609,000.

THE DEAF, DUMB, AND BLIND

Maintenance and instruction.	For maintenance and instruction of deaf and dumb persons admitted to the Columbia Institution for the Deaf from the District of Columbia, under section 4864 of the Revised Statutes, and as provided for in the Act approved March 1, 1901 (24 U. S. C. 238), and under a contract to be entered into with the said institution by the Commissioners, \$36,500.
31 Stat. 844. 7 D. C. Code § 218.	
Colored deaf-mutes.	For maintenance and instruction of colored deaf-mutes of teachable age belonging to the District of Columbia, in Maryland, or some other State, under a contract to be entered into by the Com-

missioners, \$10,000: *Provided*, That all expenditures under this appropriation shall be made under the supervision of the Board of Education.

Proviso.
Supervision of expenditures.

For maintenance and instruction of blind children of the District of Columbia, in Maryland, or some other State, under a contract to be entered into by the Commissioners, \$11,500: *Provided*, That all expenditures under this appropriation shall be made under the supervision of the Board of Education.

Blind children.

Proviso.
Supervision of expenditures.

No part of any appropriation made in this Act shall be paid to any person employed under or in connection with the public schools of the District of Columbia who shall solicit or receive, or permit to be solicited or received, on any public-school premises, any subscription or donation of money or other thing of value from any pupil enrolled in such public schools for presentation of testimonials to school officials or for any purpose except such as may be authorized by the Board of Education at a stated meeting upon the written recommendation of the superintendent of schools.

Solicitation of subscriptions, etc.

No money appropriated in this Act for the purchase of furniture and equipment and school supplies for the public schools of the District of Columbia shall be expended unless the requisitions of the Board of Education therefor shall be approved by the Commissioners of the District of Columbia, or by the purchasing officer and the auditor for the District of Columbia acting for the Commissioners.

Requisitions for equipment, approval by Commissioners.

The Board of Education is authorized to designate the months in which the ten salary payments now required by law shall be made to teachers assigned to instruction in nature study and school gardening, and in health, physical education, and playground activities.

Nature study, etc., teachers.

The children of officers and men of the United States Army, Navy, and Marine Corps, and children of other employees of the United States stationed outside the District of Columbia shall be admitted to the public schools without payment of tuition.

Children of Army, Navy, etc., personnel, admission to schools.

BUILDINGS AND GROUNDS

For beginning construction of an eight-room addition to the Syphax School, including an assembly hall-gymnasium and the necessary remodeling of the present building, \$95,000, and the Commissioners are authorized to enter into contract or contracts for such addition at a cost not to exceed \$215,000: *Provided*, That not to exceed \$4,515 of the amount herein appropriated may be transferred to the credit of the appropriation account "Municipal Architect's Office, construction services", and to be available for the preparation of plans and specifications for said building;

Syphax School, addition and remodeling.

Proviso.
Funds for plans, etc.
Ante, p. 309.

For beginning construction of a junior high school building on land owned by the District of Columbia in the vicinity of Seventeenth and Q Streets Southeast, \$445,000, and the Commissioners are authorized to enter into contract or contracts for such building at a cost not to exceed \$881,850: *Provided*, That not to exceed \$18,518 of the amount herein appropriated may be transferred to the credit of the appropriation account, "Municipal Architect's Office, construction services", and be available for the preparation of plans and specifications for said building;

Junior high school, Seventeenth and Q Streets SE., construction.

Proviso.
Funds for plans, etc.
Ante, p. 309.

For the preparation of plans and specifications for a new extensible senior high school building to be constructed, at a total cost of not to exceed \$900,000, on a site already owned by the District of Columbia at Twenty-fourth Street and Benning Road Northeast, \$20,000, which amount may be transferred to the credit of the appropriation account, "Municipal Architect's Office, construction services", and be available for the above purposes, including the employment of personal serv-

New extensible senior high school, preparation of plans, etc.
Site.
Ante, p. 309.

41 U. S. C. § 5.
42 Stat. 1488.
5 U. S. C. §§ 661-
674; Supp. V, §§ 673,
673c.
New elementary
school, preparation of
plans, etc.
Site.
Ante, p. 309.

New elementary
school, preparation of
plans, etc.
Site.
Ante, p. 309.

Availability of
funds; accounting.

Proviso.
Restriction.

Purchase of school
building and play-
ground sites.

Instruction of chil-
dren under five years
of age, limitation.

Proviso.
Exception.

Building contracts,
requirements.

Proviso.
Right to reject bids.

Preparation of
plans, etc.

ices without reference to section 3709 of the Revised Statutes or the Classification Act of 1923, as amended, and civil service requirements;

For the preparation of plans and specifications for a new elementary school building to be constructed at a total cost of not to exceed \$500,000, on a site to be purchased in the vicinity of Eleventh and G Streets Southeast, to replace the Cranch, Tyler, and Van Ness Schools, \$10,500, which amount may be transferred to the credit of the appropriation account "Municipal Architect's Office, construction services", and be available for the above purposes;

For the preparation of plans and specifications for a new elementary school building to be constructed at a total cost of not to exceed \$500,000, on a site to be purchased in the vicinity of the Brent School, to replace the Brent, Dent, Lenox, and French Schools, \$10,500, which amount may be transferred to the credit of the appropriation account "Municipal Architect's Office, construction services", and be available for the above purposes;

In all, \$581,000, to be immediately available and to be disbursed and accounted for as "Buildings and grounds, public schools", and for that purpose shall constitute one fund and remain available until expended: *Provided*, That no part of this appropriation shall be used for or on account of any school building not herein specified.

For the purchase of school building and playground sites as follows:

For the purchase of additional land west of the present site of the Rose Lees Hardy School to offset land to be carved out of the present site for street extensions;

For the purchase of a site in the vicinity of Thirteenth and Van Buren Streets Northwest, for the construction of an elementary school;

For the purchase of a site for elementary school purposes in the vicinity of Eleventh and G Streets Southeast, for the replacement of the Cranch, Tyler, and Van Ness Schools;

For the purchase of a site for elementary school purposes in the vicinity of the Brent School, for the replacement of the Brent, Dent, Lenox, and French Schools;

In all, \$230,000.

No part of the foregoing appropriations for public schools shall be used for instructing children under five years of age except children entering during the first half of the school year who will be five years of age by November 1, 1940, and children entering during the second half of the school year who will be five years of age by March 15, 1941: *Provided*, That this limitation shall not be considered as preventing the employment of a matron and the care of children under school age at the Webster School whose parent or parents are in attendance in connection with Americanization work.

None of the money appropriated by this Act shall be paid or obligated toward the construction of or addition to any building the whole and entire construction of which, exclusive of heating, lighting, plumbing, painting, and treatment of grounds, shall not have been awarded in one or a single contract, separate and apart from any other contract, project, or undertaking, to the lowest responsible bidder complying with all the legal requirements as to a deposit of money or the execution of a bond, or both, for the faithful performance of the contract: *Provided*, That nothing herein shall be construed as repealing existing law giving the Commissioners the right to reject all bids.

The plans and specifications for all building provided for in this Act under appropriations administered by the Commissioners of the District of Columbia shall be prepared under the supervision of the municipal architect, and those for school buildings after consultation

with the Board of Education, and shall be approved by the Commissioners and shall be constructed in conformity thereto.

The school buildings authorized and appropriated for herein shall be constructed with all doors intended to be used as exits or entrances opening outward, and each of said buildings having in excess of eight rooms shall have at least four exits. Appropriations carried in this Act shall not be used for the maintenance of school in any building unless all outside doors thereto used as exits or entrances shall open outward and be kept unlocked every school day from one-half hour before until one-half hour after school hours.

Exit, etc., requirements.

METROPOLITAN POLICE

SALARIES

For the pay and allowances of officers and members of the Metropolitan Police force, in accordance with the Act entitled "An Act to fix the salaries of the Metropolitan Police force, the United States Park Police force, and the Fire Department of the District of Columbia" (43 Stat. 174-175), as amended by the Act of July 1, 1930 (46 Stat. 839-841), including one captain, who shall be property clerk, and the present acting sergeant in charge of police automobiles, who shall have the rank and pay of a sergeant, \$2,948,505.

Salaries.

20 D. C. Code § 457;
Supp. V, § 457a.
Property clerk.

For personal services, \$151,985, including not to exceed \$1,265 for the salary of one part-time physician to be paid at the rate of \$3,800 per annum.

Personal services.
Part-time physician.

MISCELLANEOUS

For fuel, \$6,750.

Fuel.

For repairs and improvements to police stations and station grounds, including not to exceed \$10,000 for the erection of a modern cell block in Number 13 Police Precinct Station, \$17,000.

Repairs, etc., stations and grounds.

For miscellaneous and contingent expenses, including rewards for fugitives, purchase of gas equipment and firearms, maintenance of card system, stationery, city directories, books of reference, periodicals, newspapers, telegraphing, telephoning, photographs, rental and maintenance of teletype system and labor-saving devices, telephone service charges, purchase, maintenance, and servicing of radio broadcasting systems, purchase of equipment, gas, ice, washing, meals for prisoners, medals of award, not to exceed \$300 for car tickets, furniture and repair thereto, beds and bed clothing, insignia of office, police equipments and repairs to same, and mounted equipment, flags and halyards, storage and hauling of stolen or abandoned property, and traveling and other expenses incurred in prevention and detection of crime, not to exceed \$3,000 for expenses of officers and members of the police force in attending, without loss of pay or time, specialized police training classes and pistol matches, including tuition, entrance fees, travel and subsistence, and other necessary expenses, including expenses of harbor patrol, \$76,750, of which amount \$10,000 shall be available for expenditure by the Major and Superintendent of Police for prevention and detection of crime, under his certificate, approved by the Commissioners, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

Contingent expenses.

Harbor patrol.

For purchase and exchange, and maintenance of passenger-carrying and other motor vehicles and the replacement of those worn out in the service and condemned, \$65,000.

Vehicles.

Uniforms: For furnishing uniforms and other official equipment prescribed by department regulations as necessary and requisite in the performance of duty to officers and members of the Metropolitan

Uniforms, etc.

Police, including cleaning, alteration, and repair of articles transferred from one individual to another, \$48,725.

HOUSE OF DETENTION

Maintenance, etc.

For maintenance of a suitable place for the reception and detention of girls and women over seventeen years of age, arrested by the police on charge of offense against any laws in force in the District of Columbia, or held as witnesses or held pending final investigation or examination, or otherwise, including transportation, clinic supplies, food, clothing, upkeep and repair of buildings, fuel, gas, ice, laundry, supplies and equipment, electricity, and other necessary expenses, \$8,500; for personal services, \$9,360; in all, \$17,860.

POLICEMEN AND FIREMEN'S RELIEF

Payments.

To pay the policemen and firemen's relief and other allowances as authorized by law, \$1,165,000.

FIRE DEPARTMENT

SALARIES

Salaries.

For the pay of officers and members of the fire department, in accordance with the Act entitled "An Act to fix the salaries of officers and members of the Metropolitan Police force, the United States Park Police force, and the fire department of the District of Columbia" (43 Stat. 175), as amended by the Act of July 1, 1930 (46 Stat. 839-841), \$2,171,000.

20 D. C. Code § 555;
Supp. V, § 555a.

Personal services.

For personal services, \$5,720.

MISCELLANEOUS

Repairs, etc.
Ante, p. 86.
Uniforms, etc.

For repairs and improvements to buildings and grounds, \$20,000.
Uniforms: For furnishing uniforms and other official equipment prescribed by department regulations as necessary and requisite in the performance of duty to officers and members of the fire department, including cleaning, alteration, and repair of articles transferred from one individual to another, \$21,625.

Repairs to apparatus, etc.

For repairs to apparatus, motor vehicles, and other motor-driven apparatus, fireboat and for new apparatus, new motor vehicles, new appliances, employment of mechanics, helpers, and laborers in the fire department repair shop, and for the purchase of necessary supplies, materials, equipment, and tools, \$37,500: *Provided*, That the Commissioners are authorized, in their discretion, to build or construct, in whole or in part, fire-fighting apparatus in the fire department repair shop.

Proviso.
Construction at repair shop.

Hose.

For hose, \$12,500.

Fuel.

For fuel, \$20,500.

Contingent expenses.

For contingent expenses, furniture, fixtures, oil, blacksmithing, gas and electric lighting, flags and halyards, medals of award, and other necessary items, \$20,000.

Replacement of fire-fighting apparatus.

For replacement of fire-fighting apparatus, including one passenger automobile at not to exceed \$650, and not to exceed \$1,100 for one chief's automobile, \$51,750.

HEALTH DEPARTMENT

Salaries and expenses.

General administration: For personal services and other necessary expenses, including not to exceed \$4,500 for contract investigational

services without reference to section 3709 of the Revised Statutes (41 U. S. C. 5), \$77,180.

Medical services: For all expenses necessary for the enforcement of the Acts relating to the prevention of the spread of contagious and infectious diseases in the District of Columbia; the maintenance of tuberculosis and venereal disease clinics and dispensaries; the conduct of hygiene and sanitation work, including the maintenance of free dental clinics in schools; the maintenance of a maternal and child-health service, including clinics; and the maintenance of a nursing service; such expenses to include personal services, books and periodicals, uniforms and rent, \$409,060: *Provided*, That the Commissioners may, without creating any obligation for the payment of money on account thereof, accept such volunteer services as they may deem expedient in connection with the establishment and maintenance of the medical services herein provided for.

Medical services;
clinics, etc.

Proviso.
Volunteer services.

Laboratories: For operation and maintenance of laboratories, including personal services, books and periodicals, manufacture of serums for use in indigent cases, and other necessary expenses, \$45,114.

Laboratories, main-
tenance.

Inspections: For all expenses necessary for the enforcement of the Acts relating to the drainage of lots and abatement of nuisances in the District of Columbia; the Act relating to the adulteration of foods, drugs, and candy; the Act relating to the manufacture and sale of mattresses; the Act relating to the manufacture, sale, and transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors; and the Act relating to the sale of milk, cream, and ice cream; such expenses to include personal services, books and periodicals and travel, \$124,416: *Provided*, That not to exceed \$200 may be expended for special services in detecting adulteration of drugs and foods, including candy and milk: *Provided further*, That inspectors of dairy farms may receive an allowance for furnishing privately owned motor vehicles in the performance of official duties at the rate of not to exceed \$312 per annum for each inspector.

Inspections; abate-
ment of nuisances,
adulteration of foods,
etc.

Proviso.
Special services.

Vehicle allowance
for dairy inspectors.

For completely furnishing and equipping the Southwest Health Center, including not to exceed \$4,500 for the installation of an elevator, \$23,000, to be immediately available.

Southwest Health
Center.

For the following hospital and sanatoria:

Tuberculosis sanatoria: For personal services, including \$3,000 for chief visiting consultant, and not to exceed \$3,000 for compensation of consulting physicians at rates to be fixed by the Commissioners, \$423,760.

Tuberculosis sana-
toria.

For provisions, fuel, forage, harness and vehicles and repairs to same, gas, water, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, medical books, schoolbooks, classroom supplies, books of reference, and periodicals not to exceed \$500, maintenance of motortrucks, and other necessary items, \$213,000.

Provisions, fuel, for-
age, etc.

For repairs and improvements to buildings and grounds, including roads and sidewalks, \$5,500.

Repairs and im-
provements.

Gallinger Municipal Hospital: For personal services, including two associate medical officers at \$3,200 per annum each, to be appointed without reference to civil-service requirements, and including not to exceed \$2,000 for temporary labor, \$687,840, of which \$26,760 shall be available for out-patient relief of the poor, including medical and surgical supplies, artificial limbs, and pay of physicians: *Provided*, That no part of this appropriation shall be available for the care of persons, except in emergency cases, where the person has been a resident of the District of Columbia for less than one year at the time of application for admission.

Gallinger Muni-
cipal Hospital.
Post, p. 637.

Proviso.
Restriction on use
of funds.

Maintenance of hospital, quarantine station, etc.

For maintenance of the hospital; for maintenance of the quarantine station, smallpox hospital, and public crematorium, including expenses incident to furnishing proper containers for the reception, burial, and identification of the ashes of all human bodies of indigent persons that are cremated at the public crematorium and remain unclaimed after twelve months from the date of such cremation; for maintenance and purchase of horses and horse-drawn vehicles; for medical books, books of reference, and periodicals not to exceed \$500; for maintenance of non-passenger-carrying motor vehicles; and for all other necessary expenses, \$292,000.

Repairs and improvements to buildings and grounds.

For repairs and improvements to buildings and grounds, including acquisition (without reference to section 3709 of the Revised Statutes, 41 U. S. C. 5) of the necessary transformers for a 4,000-volt electrical distribution system, and not to exceed \$8,000 for the installation of an elevator in the Crippled Children's Building, \$23,000.

Purchase of books, etc.

Purchase of books, musical instruments and music, expense of commencement exercises, entertainments, and inspection by New York State Board of Regents, and other incidental expenses of the training school for nurses, \$600.

Medical charities. Care, etc., of indigent patients at designated hospitals.

Medical charities: For care and treatment of indigent patients under contracts to be made by the Health Officer of the District of Columbia and approved by the Commissioners with the following institutions and for not to exceed the following amounts respectively:

Children's Hospital, including not to exceed \$15,000 for dispensary cases to be paid for at existing rates, \$80,000.

Central Dispensary and Emergency Hospital, \$80,000, including \$25,000 for the establishment of a twenty-four-hour clinic at the Emergency-George Washington University clinic, of which not to exceed \$20,000 shall be available for payment to said clinic for employment of personal services, and \$5,000 for dispensary cases, redressings, radiographs, and other services, to be paid at existing rates.

Eastern Dispensary and Casualty Hospital, \$75,000.

Washington Home for Incurables, \$15,000.

Columbia Hospital and Lying-in Asylum: For general repairs, including labor and material to be expended in the discretion and under the direction of the Architect of the Capitol, \$5,000.

COURTS

JUVENILE COURT

Salaries.

Salaries: For personal services, \$98,190.

Miscellaneous.

Miscellaneous: For compensation of jurors, \$1,500.

Incidental expenses.

For stationery, books of reference, periodicals, typewriters and repairs thereto, preservation of records, telephone service, traveling expenses, meals of jurors and prisoners, furniture, fixtures, and equipment, and other incidental expenses not otherwise provided for, \$3,000.

Advances for return of absconding probationers.

The disbursing officer of the District of Columbia is authorized to advance to the chief probation officer of the juvenile court upon requisition previously approved by the judge of the juvenile court and the auditor of the District of Columbia, sums of money not to exceed \$50 at any one time, to be expended for transportation and traveling expenses to secure the return of absconding probationers, and to be accounted for monthly on itemized vouchers to the accounting officer of the District of Columbia.

POLICE COURT

Salaries: For personal services, \$105,520.

Salaries.
Contingent ex-
penses.

For law books, books of reference, directories, periodicals, stationery, rebinding of books, preservation of records, typewriters and repairs thereto, telephone service, laundry work, medicines, lodging and meals for jurors and bailiffs when ordered by the court, and all other necessary and incidental expenses of every kind not otherwise provided for, \$3,582.

For witness fees and compensation of jurors, \$27,500.

Witness fees, etc.

MUNICIPAL COURT

Salaries: For personal services, including compensation of five judges without reference to the limitation in this Act restricting salaries within the grade, \$87,620.

Salaries.
Ante, p. 307; *post*, p. 1038.

For compensation of jurors, \$9,000: *Provided*, That deposits made on demands for jury trials in accordance with rules prescribed by the court under authority granted in section 11 of the Act approved March 3, 1921 (41 Stat. 1312), shall be earned unless, prior to three days before the time set for such trials, including Sundays and legal holidays, a new date for trial be set by the court, cases be discontinued or settled, or demands for jury trials be waived.

Jurors.
Proviso.
Deposits for jury
trials.

18 D. C. Code § 212.

For contingent expenses, included books, lawbooks, books of reference, fuel, light, telephone, lodging and meals for jurors, and for deputy United States marshals while in attendance upon jurors, when ordered by the court; fixtures, repairs to furniture, building and building equipment, and all other necessary miscellaneous items and supplies, \$1,250.

Contingent ex-
penses.

MISCELLANEOUS

Probation system: For personal services, \$16,880; contingent expenses, \$800, in all, \$17,680.

Probation system.

PUBLIC WELFARE

BOARD OF PUBLIC WELFARE

For personal services, including a principal assistant director of public welfare at \$6,500 per annum, to be appointed without reference to civil service requirements, and including not to exceed \$4,500 for contract investigational services, without reference to section 3709 of the Revised Statutes (41 U. S. C. 5), \$149,900.

Salaries; contract in-
vestigational services.

DIVISION OF CHILD WELFARE

Administration: For administrative expenses, including placing and visiting children, city directory, purchase of books of reference and periodicals not exceeding \$50, and all office and sundry expenses, \$5,000, and no part of the money herein appropriated shall be used for the purpose of visiting any ward of the Board of Public Welfare placed outside the District of Columbia and the States of Virginia and Maryland; and a ward placed outside said District and the States of Virginia and Maryland shall be visited not less than once a year by a voluntary agent or correspondent of said Board, and that said Board shall have power, upon proper showing, in its discretion, to discharge from guardianship any child committed to its care.

Administrative ex-
penses.

Restriction on use of
funds.

Board and care of children.

For board and care of all children committed to the guardianship of said Board by the courts of the District, and for temporary care of children pending investigation or while being transferred from place to place, with authority to pay not more than \$2,500 each to institutions under sectarian control and not more than \$400 for burial of children dying while under charge of the Board, \$316,000: *Provided*, That not more than \$900 of this appropriation shall be available for continuous maintenance of two foster homes for temporary or emergency board and care of nondelinquent children.

Proviso.
Maintenance of two foster homes.

Receiving home for children under eighteen.

For the maintenance, under the jurisdiction of the Board of Public Welfare, of a suitable place in a building entirely separate and apart from the house of detention for the reception and detention of children under eighteen years of age arrested by the police on charge of offense against any laws in force in the District of Columbia, or committed to the guardianship of the Board, or held as witness, or held temporarily, or pending hearing, or otherwise, including transportation, food, clothing, medicine, and medicinal supplies, rental, repair and upkeep of buildings, fuel, gas, electricity, ice, supplies, and equipment, and other necessary expenses, including not to exceed \$20,920 for personal services, \$39,000.

Plans for a new receiving home. Site.

For the preparation of plans for a new building for the reception and detention of children, to be located on land owned by the District of Columbia in square 2885, \$3,675.

Advances to director.

The disbursing officer of the District of Columbia is authorized to advance to the director of public welfare, upon requisitions previously approved by the auditor of the District of Columbia and upon such security as may be required of said director by the Commissioners, sums of money not to exceed \$400 at any one time, to be used for expenses in placing and visiting children, traveling on official business of the Board, and for office and sundry expenses, all such expenditures to be accounted for to the accounting officers of the District of Columbia within one month on itemized vouchers properly approved.

Placing and visiting children.

JAIL

Salaries.
Maintenance, etc., of prisoners.

Salaries: For personal services, \$104,940.

For maintenance and support of prisoners of the District of Columbia at the jail, including not to exceed \$1,000 for furnishing uniforms and caps for guards; subsistence of internes; expenses incurred in identifying and pursuing escaped prisoners and rewards for their capture; repair and improvements to buildings, cells, and locking devices; newspapers, books, and periodicals not to exceed \$100; maintenance of non-passenger-carrying motor vehicle; and expense of electrocutions, \$72,700.

Addition to jail.

Addition to jail: For an additional amount for completing construction of an addition to, and for the necessary remodeling of, the jail, exclusive of walled yard, \$44,000, and the limit of cost of such construction is increased to \$294,000.

GENERAL ADMINISTRATION, WORKHOUSE AND REFORMATORY, DISTRICT OF COLUMBIA

Personal services.
Maintenance, etc.

For personal services, \$557,760.

For maintenance, care, and support of inmates, including subsistence of internes, discharge gratuities provided by law, medical supplies, newspapers, books, books of reference and periodicals, farm implements, tools, equipment, transportation expenses, purchase and maintenance of livestock and horses; purchase of a moving-picture machine at not to exceed \$1,500; purchase, exchange, maintenance,

operation, and repair of non-passenger-carrying vehicles and motor-bus; fuel for heating, lighting, and power, and all other necessary items, including uniforms and caps for guards, \$480,000.

For repairs to buildings and grounds, and maintenance of utilities, marine and railroad transportation facilities, and mechanical equipment not used in industrial enterprises, \$27,000.

To provide a working capital fund for such industrial enterprises as may be approved by the Commissioners of the District of Columbia, \$30,000: *Provided*, That the various departments and institutions of the District of Columbia and the Federal Government may purchase, at fair market prices, as determined by the Commissioners, such products and services as meet their requirements; receipts from the sale of products and services shall be deposited to the credit of said working capital fund, and said fund, including all receipts credited thereto, shall be used as a revolving fund for the fiscal year 1941 for the purchase and repair of machinery, tools, and equipment, purchase of raw materials and manufacturing supplies, purchase, maintenance, and operation of non-passenger-carrying vehicles, and purchase of fuel for manufacturing purposes; for freight, personal services, and all other necessary expenses; and for the payment to inmates or their dependents of such pecuniary earnings as the Commissioners may deem proper.

For continuing construction and equipment of permanent buildings for women, including sewers, water mains, and other necessary utilities, \$45,000.

For construction of a bakery, including equipment, and necessary utilities, \$25,000, to be immediately available.

Support of convicts: For support, maintenance, and transportation of convicts transferred from District of Columbia; expenses of shipping remains of deceased convicts to their homes in the United States, expenses of interment of unclaimed remains of deceased convicts; expenses incurred in identifying, pursuing, recapturing (including rewards therefor), and returning to institutions, escaped convicts and parole and conditional-release violators; and transportation expenses of returning released convicts to their residences, \$120,730.

The disbursing officer of the District of Columbia is authorized to advance to the general superintendent of penal institutions, upon requisitions previously approved by the auditor of the District of Columbia, and upon such security as the Commissioners may require of said superintendent, sums of money not exceeding \$300 at one time, to be used only for expenses in returning escaped prisoners, conditional releases, and parolees, payable from the appropriation, "Support of convicts", all such expenditures to be accounted for to the accounting officers of the District of Columbia within one month on itemized vouchers properly approved.

NATIONAL TRAINING SCHOOL FOR BOYS

For care and maintenance of boys committed to the National Training School for Boys by the courts of the District of Columbia under a contract to be made by the Board of Public Welfare with the Attorney General at a rate of not to exceed \$2 per day for each boy so committed, \$91,250.

NATIONAL TRAINING SCHOOL FOR GIRLS

National Training School for Girls: For personal services, groceries, provisions, light, fuel, clothing, shoes; forage and farm supplies; medicine and medical service (including not to exceed

Repairs to buildings, etc.

Fund for industrial enterprises.

Proviso.
Purchase of products, etc.

Deposit of receipts.

Buildings for women, construction, etc.

Bakery, construction, etc.

Support, etc., of convicts.

Advances for returning escaped prisoners, etc.

Care, etc., of boys committed to.

Salaries and expenses.

Proviso. \$2,000 for medical care and not to exceed \$600 for dental care); transportation; maintenance of non-passenger-carrying vehicles; equipment, fixtures, books, magazines, and other educational supplies; recreational equipment and supplies, including rental of motion-picture films; stationery; postage; repairs; and other necessary items, including expenses incident to securing suitable homes for paroled or discharged girls, \$41,920, of which sum not to exceed \$23,060 may be expended for personal services: *Provided*, That the total cost of maintaining inmates in said school, including all administrative expenses, shall not exceed an average per capita of \$575 per annum.

Maintenance limitation.

DISTRICT TRAINING SCHOOL

Personal services.

For personal services, including not to exceed \$500 for compensation of consulting physicians at rates to be fixed by the Commissioners, and not to exceed \$2,500 for temporary labor, \$148,620.

Maintenance, etc.

For maintenance and other necessary expenses, including the maintenance of non-passenger-carrying motor vehicles, the purchase and maintenance of horses and wagons, farm machinery and implements, and not to exceed \$300 for the purchase of books, books of reference, and periodicals, \$107,500.

Repairs, etc.

For repairs and improvements to buildings and grounds, \$6,000.

Purchase of truck.

For purchase (including exchange) of one stake-body truck, \$750.

INDUSTRIAL HOME SCHOOL FOR COLORED CHILDREN

Salaries.

Salaries: For personal services, \$40,505; temporary labor, \$500; in all, \$41,005.

Maintenance, etc.

For maintenance, including purchase and maintenance of farm implements, horses, wagons, and harness, maintenance of non-passenger-carrying motor vehicles, not to exceed \$2,250 for manual-training equipment and materials, \$29,000.

Repairs, etc.

For repairs and improvements to buildings and grounds, \$3,000.

Purchase of refrigerator.

For purchase of a refrigerator, \$850.

INDUSTRIAL HOME SCHOOL

Salaries.

Salaries: For personal services, \$36,530; temporary labor, \$1,000; in all, \$37,530.

Maintenance, etc.

For maintenance, including purchase of equipment, maintenance of non-passenger-carrying motor vehicles, \$25,600.

Repairs, etc.

For repairs and improvements to buildings and grounds, \$6,500.

HOME FOR AGED AND INFIRM

Salaries.

Salaries: For personal services, \$87,560, including a superintendent at \$4,600 per annum, to be appointed without reference to civil-service requirements; temporary labor, \$2,000; in all, \$89,560.

Contingent expenses.

For provisions, fuel, forage, harness and vehicles and repairs to same, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, and other necessary items, and maintenance of non-passenger-carrying motor vehicles, \$82,100.

Purchase of station wagon.

For purchase (including exchange) of one station wagon, \$750.

Repairs, etc.

For repairs and improvements to buildings and grounds, such work to be performed by day labor or otherwise in the discretion of the Commissioners, \$12,350.

MUNICIPAL LODGING HOUSE

For personal services, \$3,660; maintenance, \$4,000; in all, \$7,660.

PUBLIC ASSISTANCE

For the purpose of affording relief to residents of the District of Columbia who are unemployed or otherwise in distress because of the existing emergency, to be expended by the Board of Public Welfare of the District of Columbia by employment and direct relief, in the discretion of the Board of Commissioners and under rules and regulations to be prescribed by the Board and without regard to the provisions of any other law, payable from the revenues of the District of Columbia, \$900,000, and not to exceed 12 per centum of this appropriation and of Federal grants reimbursed under this appropriation shall be expended for personal services, including the employment of one general superintendent of public assistance services at \$5,600 per annum, one assistant superintendent of such services at \$4,600 per annum, and one stenographer-typist (secretary) at \$2,000 per annum, to be appointed without reference to civil-service requirements, not to exceed \$31,900 may be expended for the distribution of surplus commodities and relief milk, including \$12,200 for personal services, which shall be in addition to such services herein authorized, and not to exceed \$49,960 for personal services, which shall be in addition to such services herein authorized, to certify persons eligible for work relief and surplus commodities: *Provided*, That all auditing, disbursing, and accounting for funds administered through the Public Assistance Division of the Board of Public Welfare, including all employees engaged in such work and records relating thereto, shall be under the supervision and control of the Auditor of the District of Columbia: *Provided*, That no part of this appropriation shall be expended in such a manner as to require a deficiency to supplement such appropriation.

Home Care for Dependent Children: To carry out the purposes of the Act entitled "An Act to provide home care for dependent children in the District of Columbia", approved June 22, 1926 (44 Stat. 758-760), including not to exceed \$13,060 for personal services in the District of Columbia, \$163,000: *Provided*, That this appropriation shall be so apportioned and distributed by the Commissioners over the fiscal year ending June 30, 1941, and shall be so administered during such fiscal year, as to constitute the total amount that will be utilized during such fiscal year for such purposes, and no more than \$400 shall be paid for burial of children dying while beneficiaries under said Act.

Assistance against old-age want: To carry out the provisions of the Act entitled "An Act to amend the Code of Laws for the District of Columbia in relation to providing assistance against old-age want", approved August 24, 1935 (49 Stat. 747), including not to exceed \$57,265 for personal services and other necessary expenses, \$582,500.

Pensions for needy blind persons: To carry out the provisions of the Act entitled "An Act to provide aid for needy blind persons of the District of Columbia and authorizing appropriations therefor", approved August 24, 1935 (49 Stat. 744), \$50,000.

In expending appropriations contained in this Act under the caption "Public Assistance", not more than the following monthly amounts shall be paid therefrom: Emergency Relief of Residents: Single persons, not more than \$24; family of two persons, not more

Relief to the unemployed, etc.

From D. C. revenues.

Personal services.

Provisos.
Supervision of accounts.

Antideficiency provision.

Home care for dependent children.

8 D. C. Code §§ 91-100.

Proviso.
Apportionment of funds.

Old-age assistance.

8 D. C. Code, Supp. V, §§ 281-295.

Pensions for needy blind persons.

8 D. C. Code, Supp. V, §§ 251-266.

Public assistance, allocations.

Emergency relief of residents.

Home care for dependent children.

Old-age assistance and aid to blind.

than \$30, and for each person in excess of such number under sixteen years of age not more than \$6; and not to exceed a total of \$60 to any one family; Home Care for Dependent Children: Family of two persons, not more than \$30, and for each person in excess of such number under sixteen years of age not more than \$6; and not to exceed a total of \$60 to any one family; Assistance Against Old Age Want: Not more than \$30 per month shall be paid therefrom to any one person; Aid for Needy Blind Persons: Not more than \$40 per month shall be paid therefrom to any one person.

SPONSOR'S CONTRIBUTION TO WORK PROJECTS ADMINISTRATION

Sponsor's contributions; projects, etc.

For amount required by the District of Columbia as sponsor's contributions toward Work Projects Administration nonconstruction projects for free lunches for necessitous school children, sewing, household service, housekeeping aides, adult education, woodyard, recreation, vocational training, and historical records, including the purchase of food, supplies, materials, streetcar and bus fares, rent, equipment, rental of equipment, personal services, and other necessary expenses, \$177,500.

EDUCATION OF HANDICAPPED CHILDREN

Education of handicapped children.

For the education of handicapped children, including personal services, at rates of pay to be fixed by the Commissioners on the recommendation of the Board of Public Welfare, and other necessary expenses, \$15,000.

TEMPORARY HOME FOR FORMER SOLDIERS AND SAILORS

Personal services; maintenance.

For personal services, \$4,620; maintenance, \$11,750; and repairs to buildings and grounds, \$1,000; in all, \$17,370, to be expended under the direction of the Commissioners; and former Union soldiers, sailors, or marines of the Civil War, former soldiers, sailors, or marines of the Spanish War, Philippine Insurrection, or China Relief Expedition, and former soldiers, sailors, or marines of the World War or who served prior to July 2, 1921, shall be admitted to the home, all under the supervision of a board of management.

FLORENCE CRITTENTON HOME AND SAINT ANNS INFANT ASYLUM AND MATERNITY HOSPITAL

Care, etc., of women and children.

For care and maintenance of women and children under contracts to be made by the Board of Public Welfare, with the Florence Crittenton Home, and Saint Anns Infant Asylum and Maternity Hospital, \$8,000.

SOUTHERN RELIEF SOCIETY

Care of Confederate veterans, etc.

For care and maintenance of needy and infirm Confederate veterans, their widows and dependents, residents in the District of Columbia, under a contract to be made with the Southern Relief Society by the Board of Public Welfare, \$10,000.

NATIONAL LIBRARY FOR THE BLIND

Aid and support.

For aid and support of the National Library for the Blind, located at 1800 D Street Northwest, to be expended under the direction of the Commissioners of the District of Columbia, \$5,000.

COLUMBIA POLYTECHNIC INSTITUTE

Aid.

To aid the Columbia Polytechnic Institute for the Blind, located at 1808 H Street Northwest, to be expended under the direction of the Commissioners of the District of Columbia, \$3,000.

SAINT ELIZABETHS HOSPITAL

For support of indigent insane of the District of Columbia in Saint Elizabeths Hospital, as provided by law, \$2,792,250.

Support of D. C. indigent insane.

NONRESIDENT INSANE

For deportation of nonresident insane persons, in accordance with the Act of Congress entitled "An Act to provide for insanity proceedings in the District of Columbia", approved June 8, 1938, including persons held in the psychopathic ward of the Gallinger Municipal Hospital, \$12,000.

Deportation.
52 Stat. 625; 53 Stat. 1293.
16 D. C. Code, Supp. V, §§ 41-72.

In expending the foregoing sum the disbursing officer of the District of Columbia is authorized to advance to the Director of Public Welfare, upon requisitions previously approved by the auditor of the District of Columbia, and upon such security as the Commissioners may require of said Director, sums of money not exceeding \$500 at one time, to be used only for deportation of nonresident insane persons, and to be accounted for monthly on itemized vouchers to the accounting officer of the District of Columbia.

Advances for deportations authorized.

Accounting.

BURIAL OF EX-SERVICE MEN

For expenses of burying in the Arlington National Cemetery, or in the cemeteries of the District of Columbia, indigent Union ex-soldiers, ex-sailors, or ex-marines, of the United States service, either Regular or Volunteer, who have been honorably discharged or retired, and who died in the District of Columbia, to be disbursed by the Secretary of War at a cost not exceeding \$45 for such burial expenses in each case, exclusive of cost of grave, \$270.

Expenses.

TRANSPORTATION OF NONRESIDENT AND INDIGENT PERSONS

For transportation of indigent nonresident persons to their legal residence or to the home of a relative or relatives, including maintenance pending transportation, and transportation of other indigent persons, including indigent veterans of the World War and their families, \$20,000, of which amount not to exceed \$7,100 shall be available for personal services.

Indigent nonresident persons.

VOCATIONAL REHABILITATION

Vocational rehabilitation of disabled residents, District of Columbia: To carry out the provisions of the Act entitled "An Act to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes", approved February 23, 1929, \$25,000.

Disabled residents, D. C.
45 Stat. 1260.
7 D. C. Code §§ 201-207; Supp. V, § 206.

MILITIA

For the following, to be expended under the authority and direction of the commanding general, who is hereby authorized and empowered to make necessary contracts and leases, namely:

Expenditures, authority of commanding general.

For personal services, \$27,660, including compensation to the commanding general at the rate of \$3,600 per annum; temporary labor, \$5,800; for expenses of camps, including hire of horses for officers required to be mounted, and for the payment of commutation of subsistence for enlisted men who may be detailed to guard or move the United States property at home stations on days immediately preceding and immediately following the annual encampments; damages to private property incident to encampment; reimbursement to the United States for loss of property for which the District

Personal services.

Camps, etc.

of Columbia may be held responsible; cleaning and repairing uniforms, arms, and equipment; instruction, purchase, and maintenance of athletic, gymnastic, and recreational equipment at armory or field encampments, not to exceed \$500; practice marches, drills, and parades; rent of armories, drill halls, and storehouses; fuel, light, heat, care, and repair of armories, offices, and storehouses; machinery and dock, including dredging alongside of dock; construction of buildings for storage and other purposes at target range; telephone service; printing, stationery, and postage; horses and mules for mounted organizations; maintenance and operation of passenger and non-passenger-carrying motor vehicles; streetcar fares (not to exceed \$200) necessarily used in the transaction of official business; not exceeding \$400 for traveling expenses, including attendance at meetings or conventions of associations pertaining to the National Guard; and for general incidental expenses of the service, \$15,480; in all, \$48,940.

Vehicles. For continuing construction of an armory for the Militia of the District of Columbia, \$1,100,000.

Aggregate.

Armory, construction.

ANACOSTIA RIVER AND FLATS

Anacostia Park, development. For continuing the reclamation and development of Anacostia Park, in accordance with the revised plan as set forth in Senate Document Numbered 37, Sixty-eighth Congress, first session, \$65,000.

IMPROVEMENT OF WASHINGTON CHANNEL

Payment by D. C. Toward the payment by the District of Columbia of its proportionate part of the cost of improving the north side of Washington Channel, District of Columbia, as set forth in the Act of Congress approved August 30, 1935, entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", \$64,000, which sum shall be transferred to the War Department and be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, and shall continue available until expended.

49 Stat. 1031.

NATIONAL CAPITAL PARKS

SALARIES, PUBLIC PARKS, DISTRICT OF COLUMBIA

Personal services. For personal services, \$350,990.

GENERAL EXPENSES, PUBLIC PARKS

General expenses, public parks. General expenses: For general expenses in connection with the maintenance, care, improvement, furnishing of heat, light, and power of public parks, grounds, fountains and reservations, propagating gardens and greenhouses under the jurisdiction of the National Park Service, including the tourists' camp on its present site in East Potomac Park, and including personal services of seasonal or intermittent employees at per-diem rates of pay approved by the Secretary of the Interior, not exceeding current rates of pay for similar employment in the District of Columbia; placing and maintaining portions of the parks in condition for outdoor sports and for expenses incident to the conducting of band concerts in the parks; the hire of draft animals with or without drivers at local rates approved by said Secretary; the purchase and maintenance of draft animals, harness, and wagons; contingent expenses; city direc-

tories; communication service; carfare; traveling expenses; professional, scientific, technical, and law books; periodicals and reference books, blank books and forms; photographs; dictionaries and maps; leather and rubber articles for the protection of employees and property; the maintenance, repair, exchange, and operation of not to exceed two motor-propelled passenger-carrying vehicles and all necessary bicycles, motorcycles, and self-propelled machinery; the purchase, maintenance, and repair of equipment and fixtures, and so forth, \$384,822: *Provided*, That not to exceed \$10,000 of the amount herein appropriated may be expended for the erection of minor auxiliary structures.

Provido.
Minor auxiliary
structures.

PARK POLICE

Salaries: For pay and allowances of the United States Park Police force, in accordance with the Act approved May 27, 1924, as amended, \$176,230.

Salaries.
43 Stat. 175.
20 D. C. Code § 535.

For uniforming and equipping the United States Park Police force, including the purchase, issue, operation, maintenance, repair, exchange, and storage of revolvers, bicycles, and motor-propelled passenger-carrying vehicles, uniforms, ammunition, and radio equipment and the rental of teletype service, \$13,400.

Uniforms, etc.

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

For reimbursement to the United States in compliance with section 4 of the Act approved May 29, 1930 (46 Stat. 482), as amended, \$300,000.

Federal reimburse-
ment for lands ac-
quired.
46 Stat. 485.

For each and every purpose, except the acquisition of land, requisite for and incident to the work of the National Capital Park and Planning Commission as authorized by the Act entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital", approved June 6, 1924 (40 U. S. C. 71), as amended, including personal services in the District of Columbia, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, not to exceed \$1,000 for printing and binding, not to exceed \$500 for traveling expenses and carfare of employees of the Commission, and not to exceed \$300 for professional, scientific, technical, and reference books, and periodicals, \$41,230.

Incidental expenses.

43 Stat. 463.
20 D. C. Code
§§ 1532, 1535, 1536.

NATIONAL ZOOLOGICAL PARK

For roads, walks, bridges, water supply, sewerage, and drainage; grading, planting, and otherwise improving the grounds, erecting and repairing buildings and enclosures; care, subsistence, purchase, and transportation of animals; necessary employees; traveling and incidental expenses not otherwise provided for, including not to exceed \$2,000 for travel and field expenses in the United States and foreign countries for the procurement of live specimens and for the care, subsistence, and transportation of specimens obtained in the course of such travel; purchase (including exchange) of one passenger-carrying motor vehicle at not to exceed \$650; maintenance and operation of one motor-propelled passenger-carrying vehicle required for official purposes; for the purchase, issue, operation, maintenance, repair, and exchange of bicycles and non-passenger-carrying motor vehicles, revolvers, and ammunition; not exceeding \$2,500 for purchasing and supplying uniforms to Park Police, keepers, and assistant keepers; not exceeding \$100 for the purchase of necessary books and periodicals, \$239,910, no part of which sum shall be available for architect's fees or compensation.

Expenses.

Vehicles.

Uniforms.

HIGHWAY FUND, GASOLINE TAX AND MOTOR VEHICLE FEES

Appropriations
from special fund.

43 Stat. 106.
20 D. C. Code
§§ 831-848; Supp. V,
§§ 831-847.
50 Stat. 676.

The following sums are appropriated wholly out of the special fund created by the Act entitled "An Act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes", approved April 23, 1924, and the Act entitled "An Act to provide additional revenue for the District of Columbia, and for other purposes", approved August 17, 1937, for expenses of the following departments and activities:

DEPARTMENT OF VEHICLES AND TRAFFIC

Personal services.

For personal services, including \$6,000 for temporary clerk hire, \$177,720.

Expenses, etc.

For purchase, installation, and modification of electric traffic lights, signals, and controls, markers, painting white lines, labor, maintenance of non-passenger-carrying motor vehicles, printing and binding, postage, telephone service, heating, electricity, repairs to equipment of inspection stations, continuation of the operation of parking meters on the streets of the District of Columbia, including maintenance and repair, not to exceed \$7,500 for such expenses as the Commissioners, in their discretion, may deem necessary in connection with traffic safety education, and such other expenses as may be necessary in the judgment of the Commissioners said amount to be expended without reference to any other law, including not to exceed \$34,300 for the operation and maintenance of electric traffic lights, signals, and controls, \$139,380, of which not less than \$25,000 shall be expended for the purchase, installation, and modification of electric traffic-light signals and \$1,000 shall be available for directional signs: *Provided*, That no part of this or any other appropriation contained in this Act shall be expended for building, installing, and maintaining streetcar loading platforms and lights of any description employed to distinguish same, except that a permanent type of platform may be constructed from appropriations contained in this Act for street improvements when such work is undertaken in connection with roadway paving, repaving, or resurfacing, and plans and locations thereof are approved by the Public Utilities Commission and the Director of Vehicles and Traffic: *Provided further*, That the street-railway company shall pay the cost of maintenance, marking, and lighting after construction.

Parking meters.

Traffic safety education.

Provisos.
Streetcar loading
platforms, etc.

Maintenance expenses.

Parking spaces for
Members of Congress.

Identification
plates.

The Commissioners of the District of Columbia are authorized and directed to designate, reserve, and properly mark appropriate and sufficient parking spaces on the streets adjacent to all public buildings in such District for the use of Members of Congress engaged on public business.

For the purchase of motor-vehicle identification number plates, \$20,000.

POLICE TRAFFIC CONTROL

Expenses.

For expenses necessarily involved in the police control, regulation, and administration of traffic upon the highways, \$520,325, which amount shall be transferred to the appropriation contained in this Act for pay and allowances of officers and members of the Metropolitan Police force.

HIGHWAY DEPARTMENT

Personal services.

For personal services, \$251,740.

STREET IMPROVEMENTS

For paving, repaving, grading, and otherwise improving streets, avenues, and roads, including temporary per diem services, surveying instruments and implements, and drawing materials, printing and binding, postage, and miscellaneous expenses, and the maintenance of motor vehicles used in this work, including curbing and gutters and replacement of curb-line trees where necessary, and including assessment and permit work and the several purposes provided for thereunder, as follows:

Paving, etc., streets and roads.

For paving, repaving, and surfacing, including curbing and gutters where necessary, the following:

Improvements designated.

Northeast: Tenth Street, Jackson Street to Monroe Street, \$17,400;
Southeast: R Street, Seventeenth Street to Minnesota Avenue, \$9,600;

Southeast: Seventeenth Street, Que Street to Minnesota Avenue, \$12,500;

Southeast: Ridge Place, Sixteenth Street to Seventeenth Street, \$4,100;

Southeast: Thirty-fourth Street, Alabama Avenue to You Street, \$17,800;

Northeast: Nineteenth Street, C Street to E Street, \$14,100;

Northeast: Neal Street, Holbrook Street to Orren Street, \$6,600;

Northeast: Sixth Street, Edgewood Street to Franklin Street and Evarts Street, Sixth Street to Edgewood Street, \$11,800;

Northwest: Second Street, Hamilton Street to Ingraham Street, \$6,600;

Northwest: Milmarson Place, North Capitol Street to First Street, \$8,300;

Northwest: Nicholson Street, Blair Road to First Street, \$9,000;

Northwest: Nicholson Street, Seventh Street to Eighth Street, \$6,600;

Northwest: Seventh Street, Concord Avenue to Nicholson Street, \$6,600;

Northwest: Second Street, Peabody Street to Rittenhouse Street, \$11,000;

Northwest: Tewkesbury Place, Sixth Street to Seventh Street, \$3,500;

Northwest: Underwood Street, Fifth Street to Eighth Street, \$16,300;

Northwest: Underwood Street, Piney Branch Road to Georgia Avenue, \$4,400;

Northwest: Juniper Street, Seventeenth Street to Rock Creek Park, \$9,600;

Northwest: Randolph Street, Georgia Avenue to Kansas Avenue, \$14,800;

For widening, altering, paving, and repaving roadways, in accordance with the plans and profiles to be approved by the Commissioners of the District of Columbia, including the necessary replacement and relocation of sewers, water mains, and fire-alarm and police-patrol boxes, as follows:

Widening, etc., designated roadways.

Northwest: Eye Street, Thirteenth Street to Fifteenth Street, \$46,000;

For grading, paving, repaving, surfacing, and otherwise improving streets, avenues, and roads, including curbing and gutters, drainage structures, retaining walls, the replacement and relocation of sewers, water mains, and fire-alarm boxes and police-patrol boxes, and replacement of curb-line trees, when necessary, as Federal-aid high-

Grading, etc., under Federal Aid Highway Act.

52 Stat. 633.
23 U. S. C., Supp.
V, § 41b.
Proviso.
Professional serv-
ices.

52 Stat. 636.
23 U. S. C., Supp.
V, ch. 2, note.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.
Grading; culverts,
etc.

Paving center strips.
Minor changes.

Construction of
curbs and gutters.

Surfacing, etc.,
pavements.

Bridges, construc-
tion, repair, etc.

Street, etc., repairs.

Provisos.
Snow removal.

Purchase of asphalt
plant authorized.

Scott Circle under-
pass, plans, etc.

Federal-aid high-
way project.

23 U. S. C., Supp. V.

Construction, etc.

way projects under section 1-b of the Federal Aid Highway Act of 1938 (Public, Numbered 584, Seventy-fifth Congress), \$635,000, to remain available until June 30, 1942: *Provided*, That in connection with the highway-planning survey, involving surveys, plans, engineering, and economic investigations of projects for future construction in the District of Columbia, as provided for under section 10 of the Federal Aid Highway Act of 1938, this fund shall be available to the extent authorized in said section for the employment of engineering or other professional services by contract or otherwise, and without reference to section 3709 of the Revised Statutes (41 U. S. C. 5), the Classification Act of 1923, as amended, and civil-service requirements, and for engineering and incidental expenses;

For grading streets, alleys, and roads, including construction of necessary culverts and retaining walls, \$50,000;

For paving the unpaved center strips of paved roadways, \$5,000;

For minor changes in roadway and sidewalks on plans to be approved by the Commissioners of the District of Columbia to facilitate vehicular and pedestrian traffic, \$5,000;

For construction of curbs and gutters, or concrete shoulders in connection with all forms of macadam roadways and adjustment of roadways thereto, together with resurfacing and replacing of base of such roadways where necessary, \$200,000;

For the surfacing and resurfacing or replacement of asphalt, granite block, or concrete pavements with the same or other approved material \$350,000;

For construction, maintenance, operation, and repair of bridges, \$50,000;

For current work of repairs to streets, avenues, roads, and alleys, including the reconditioning of existing gravel streets and roads; for cleaning snow and ice from streets, sidewalks, cross walks, and gutters in the discretion of the Commissioners; and including the purchase, exchange, maintenance, and operation of non-passenger-carrying motor vehicles used in this work, \$922,500, of which amount \$97,500 shall be available exclusively for snow removal purposes, \$18,000 thereof to be immediately available for reimbursement to the appropriation from which expenditures for such purposes have heretofore been made, and not to exceed \$37,500 thereof to be available for the procurement of snow removal equipment: *Provided*, That appropriations contained in this Act for highways, sewers, city refuse, and the water department shall be available for snow removal when specifically and in writing ordered by the Commissioners: *Provided further*, That the Commissioners of the District of Columbia, should they deem such action to be to the advantage of the District of Columbia, are hereby authorized to purchase a municipal asphalt plant at a cost not to exceed \$30,000: *Provided further*, That not exceeding \$15,000 of the foregoing appropriation shall be available for the preparation of plans, working drawings, and specifications for the construction of an underpass at Scott Circle, including necessary changes in surface and underground structures within public property areas now occupied by roadways, sidewalks, walkways, parking, and park reservations: *Provided further*, That upon the completion and approval of such plans by the Commissioners of the District of Columbia, the National Capital Park and Planning Commission, and the Fine Arts Commission, the said Commissioners are authorized to submit the project as a Federal-aid highway project to the Public Roads Administration under the provisions of the Federal Aid Highway Act of June 8, 1938 (52 Stat. 633), and upon approval of such project by the Public Roads Administration the Commissioners are authorized to construct such underpass and perform such necessary incidental work and pay the

cost thereof from the appropriation contained in this Act for Federal-aid highway projects and the District's allocation of funds by the Public Roads Administration authorized by the said Federal Aid Highway Act: *Provided further*, That the necessary transfer of jurisdiction of public land and the relocation of monuments is authorized and directed under the provisions of the Land Transfer Act of May 20, 1932 (47 Stat. 161): *And provided further*, That the Commissioners are authorized to employ necessary engineering and other professional services, by contract or otherwise, without reference to section 3709 of the Revised Statutes (41 U. S. C. 5), the Classification Act of 1923, as amended, and civil-service requirements;

This appropriation shall be available for the construction and repair of pavements of street railways in accordance with the provisions of the Merger Act, approved January 14, 1933 (47 Stat. 752). The proportion of the amount thus expended which under the terms of the said Act is required to be paid by the street-railway company shall be collected, upon the neglect or the refusal of such street-railway company to pay, from the said street-railway company in the manner provided by section 5 of "An Act providing a permanent form of government for the District of Columbia", approved June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which it is collected;

The unexpended balance of the appropriation of \$25,000 contained in the District of Columbia Appropriation Act for the fiscal year 1940 for the preparation of studies, plans and surveys, estimates and investigation of foundation conditions for a grade separation structure in the vicinity of Fourteenth Street and Maine Avenue Southwest, is hereby continued available for the same purposes during the fiscal year 1941;

For completing the construction of a bridge to replace the bridge in line of Pennsylvania Avenue over the Anacostia River in accordance with plans and profiles to be approved by the Commissioners of the District of Columbia, including construction of and changes in sewer and water mains, traveling expenses in connection with the inspection of material at the point of manufacture, employment of engineering and other professional services, by contract or otherwise, and without reference to section 3709 of the Revised Statutes (41 U. S. C. 5), the Classification Act of 1923, as amended, or the civil-service requirements, and engineering and incidental expenses, \$680,000;

For completing the construction of a bridge in line of Massachusetts Avenue Northwest over Rock Creek and Rock Creek and Potomac Parkway in accordance with plans and profiles to be approved by the Commissioners of the District of Columbia, including necessary changes, construction, and reconstruction of roadways, sidewalks and curbing, construction of and changes in sewer and water mains, fire alarm and police patrol boxes, construction, reconstruction, and relocation of parkway roads, walkways, and such other work as may be necessary, travel expenses in connection with the inspection of material at the point of manufacture, employment of engineering and other professional services by contract or otherwise, without reference to section 3709 of the Revised Statutes (41 U. S. C. 5), or the Classification Act of 1923, as amended, and civil-service requirements, including engineering and incidental expenses, \$250,000;

To carry out the provisions of existing law which authorize the Commissioners of the District of Columbia to open, extend, straighten, or widen any street, avenue, road, or highway, in accordance with the plan of the permanent system of highways for the District of Columbia, including the procurement of chains of title, \$150,000,

Transfer of jurisdiction of land, etc.

40 U. S. C. §§ 122, 123.

20 D. C. Code, Supp. V, §§ 1540e, 1540f.

Professional services.

42 Stat. 1488.

5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Street railways, pavements.

Expenses chargeable to railway company.

20 Stat. 105.

12 D. C. Code § 74; Supp. V, § 74.

Grade separation structure, 14th and Maine Avenue SW.
53 Stat. 1035.

Anacostia River.
Bridge over, in line of Pennsylvania Avenue, construction.

42 Stat. 1488.

5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Rock Creek.
Bridge over, in line of Massachusetts Avenue NW., construction.

42 Stat. 1488.

5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Opening streets, etc., permanent highway system.

Proviso.
Alley improvement,
building lines, etc.

to remain available until June 30, 1942: *Provided*, That this appropriation shall be available to carry out the provision of existing law for the opening, extension, widening, or straightening of alleys and minor streets and for the establishment of building lines in the District of Columbia;

Assessment and permit work.

For assessment and permit work, paving of roadways under the permit system, and construction and repair of sidewalks and curbs around public reservations and municipal and United States buildings, including purchase or condemnation of streets, roads, and alleys, and of areas less than two hundred and fifty square feet at the intersection of streets, avenues, or roads in the District of Columbia, to be selected by the Commissioners, and including maintenance of non-passenger-carrying motor vehicles, \$150,000;

Disbursement, etc.

In all, \$3,684,100, to be immediately available, to be disbursed and accounted for as "Street improvements", and for that purpose shall constitute one fund: *Provided*, That assessments in accordance with existing law shall be made for paving and repaving roadways, alleys, and sidewalks where such roadways, alleys, and sidewalks are paved or repaved with funds herein appropriated: *Provided further*, That any portion of this appropriation may be used for payment to contractors and for other expenses in connection with the expense of design, construction, and inspection of grade-crossing elimination and other construction projects authorized under section 8 of the Act approved June 16, 1936 (49 Stat. 1521), and section 1-b of the Federal Aid Highway Act of 1938 (Public, Numbered 584, Seventy-fifth Congress), pending reimbursement to the District of Columbia by the Department of Agriculture, reimbursement to be credited to fund from which payment was made.

Provisos.
Assessments under
existing law.

Grade-crossing elimination projects.

23 U. S. C., Supp.
V, § 24a.
52 Stat. 633.
23 U. S. C., Supp.
V, § 41b.

Parking facilities
study.

The Commissioners of the District of Columbia, in connection with the highway planning survey now in progress as a cooperative project with the Public Roads Administration, are directed to make a thorough study to determine the most feasible program for providing parking facilities, other than the public streets, for motor vehicles in the District of Columbia. Such study shall be made with a view to determining, among other things, the type or types and the quantity of such facilities which should be provided, the proper location and the probable cost of such facilities, and the appropriate method of financing the cost of such facilities. The Commissioners shall make a report to the Congress, of the results of their study, together with their recommendations at the earliest practicable date.

Report to Congress.

Changes in widths
of sidewalks and roadways.

The Commissioners of the District of Columbia are authorized and empowered, in their discretion, to fix or alter the respective widths of sidewalks and roadways (including tree spaces and parking) of all highways that may be improved under appropriations contained in this Act.

Open competition
for street improvement
contracts.

No part of any appropriation contained in this Act shall be available for repairing, resurfacing, or paving any street, avenue, or roadway by private contract unless the specifications for such work shall be so prepared as to permit of fair and open competition in paving material as well as in price.

Period of contractors' liability for repairs for inferior work.

In addition to the provision of existing law requiring contractors to keep new pavements in repair for a period of one year from the date of the completion of the work, the Commissioners of the District of Columbia shall further require that where repairs are necessary during the four years following the said one-year period, due to inferior work or defective materials, such repairs shall be made at the expense of the contractor, and the bond furnished by the contractor shall be liable for such expense.

No part of the appropriations contained in this Act shall be used for the operation of a testing laboratory of the highways department for making tests of materials in connection with any activity of the District government.

Use of funds for testing laboratory, etc.

For personal services, trees, and parkings, \$26,780;

Trees and parkings, contingent expenses.

For contingent expenses, trees and parkings, including laborers, trimmers, nurserymen, repairmen, teamsters, hire of carts, wagons, or motortrucks, trees, tree boxes, tree stakes, tree straps, tree labels, planting and care of trees, and tree spaces on city and suburban streets, purchase and maintenance of non-passenger-carrying motor vehicles, and miscellaneous items, \$110,000;

Refunding erroneous collections: To enable the Commissioners, in cases where motor-vehicle registration fees, motor-vehicle operators' permit fees, motor-vehicle title fees, motor-vehicle fuel taxes, importers' license fees, special assessments, or collections of any character have been erroneously covered into the Treasury to the credit of the special fund created by the Act entitled "An Act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes", approved April 23, 1924, and the Act entitled "An Act to provide additional revenue for the District of Columbia, and for other purposes", approved August 17, 1937, to refund such erroneous payments, \$1,500: *Provided*, That this appropriation shall also be available for refunding such payments made within the last three fiscal years prior to the fiscal year for which this appropriation is made available: *Provided further*, That this appropriation shall not be available for refunds authorized by section 10 of the Act of April 23, 1924.

Refund of erroneous collections.

43 Stat. 108.
20 D. C. Code §§ 831-848; Supp. V, §§ 831-847.
50 Stat. 676.
Provisos.
Availability of funds.

Exception.
43 Stat. 108.
20 D. C. Code § 840; Supp. V, § 840.

WATER SERVICE

The following sums are appropriated wholly out of the revenues of the Water Department for expenses of the Washington Aqueduct and its appurtenances and for expenses for Water Department, namely:

WASHINGTON AQUEDUCT

For operation, including salaries of all necessary employees, maintenance and repair of Washington aqueducts and their accessories, including Dalecarlia, Georgetown, McMillan Park, first and second High Service Reservoirs, Washington aqueduct tunnel, the filtration plants, the pumping plants, and the plant for the preliminary treatment of the water supply, ordinary repairs, grading, opening ditches, and other maintenance of Conduit Road, purchase, installation, and maintenance of water meters on Federal services; purchase, care, repair, and operation of vehicles, including the purchase and exchange of one passenger-carrying motor vehicle at a cost not to exceed \$650; purchase and repair of rubber boots and protective apparel; printing and binding; and for each and every purpose connected therewith, \$513,350.

Maintenance, etc., of aqueducts and accessories.

Meters on Federal services.

For the development of a plan to insure an adequate future water supply for the District of Columbia, including engineering and other professional services by contract or otherwise, without reference to section 3709 of the Revised Statutes, the Classification Act of 1923, as amended, or the civil-service requirements, \$20,000, to continue available until June 30, 1942.

Plan for adequate water supply.

42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

For a new pump and electric-control equipment for the Dalecarlia pumping station and for each and every purpose connected therewith, \$70,000.

Dalecarlia station equipment.

Superintendence of Secretary of War not affected.

Nothing herein shall be construed as affecting the superintendence and control of the Secretary of War over the Washington Aqueduct, its rights, appurtenances, and fixtures connected with the same and over appropriations and expenditures therefor as now provided by law.

WATER DEPARTMENT

Revenue, etc., branches.

For revenue and inspection and distribution branches: For personal services, \$214,580.

Operating expenses.

For the maintenance of the water-department distribution system, including pumping stations and machinery, water mains, valves, fire and public hydrants, and all buildings and accessories, and motortrucks, and motor vehicles such as are now owned and the replacement by purchase and exchange of the following motor-propelled vehicles: Two trucks at not to exceed \$650 each; one truck at not to exceed \$800; two trucks at not to exceed \$2,500 each and the purchase of one passenger-carrying automobile at not to exceed \$650; purchase of fuel, oils, waste, and other materials, and the employment of all labor necessary for the proper execution of this work; and for contingent expenses including books, blanks, stationery, printing and binding not to exceed \$3,300; postage, purchase of technical reference books and periodicals not to exceed \$275, and other necessary items; in all for maintenance, \$343,685, of which not exceeding \$5,000 shall be available for operation of pumps at Bryant Street pumping station upon interruption of service from Dalecarlia pumping station.

Extension of distribution system.

For extension of the water department distribution system, laying of such service mains as may be necessary under the assessment system, \$260,000, of which amount \$20,000 shall be immediately available.

Meters.

For installing and repairing water meters on services to private residences and business places as may not be required to install meters under existing regulations, as may be directed by the Commissioners; said meters at all times to remain the property of the District of Columbia, \$115,000.

Hydrants.

For installing fire and public hydrants, \$22,500.

Replacement of old mains, etc.

For replacement of old mains and divide valves in various locations, on account of inadequate size and bad condition of pipe on account of age, and laying mains and replacing old service pipes in advance of pavements, \$150,000.

Investment of water funds.

For investment by the Secretary of the Treasury in United States or District of Columbia securities for the account of the water fund of the District of Columbia, \$500,000.

Refund of erroneous charges.

For the refunding of water rents and other water charges erroneously paid in the District of Columbia, to be refunded in the manner prescribed by law for the refunding of erroneously paid taxes, \$3,500: *Provided*, That this appropriation shall be available for such refunds of payments made within the past two years.

Proriso. Availability.

Water mains, construction.

For the construction of approximately five thousand four hundred and fifty linear feet of twenty-four inch trunk line water main from the Anacostia pumping station to the Anacostia second high service storage tank at Stanton School, \$80,000; for the construction of approximately thirteen thousand two hundred linear feet of twenty-, twenty-four- and thirty-six-inch trunk-line water main from Fourth Street and Florida Avenue, Northeast, to the vicinity of Kentucky Avenue and East Capitol Street, \$250,000; in all, \$330,000; to continue available until June 30, 1942.

Pump, Anacostia station.

Pump, Anacostia station: For additional pumping equipment at the Anacostia pumping station, including necessary appurtenances and alterations in existing piping, \$14,000.

SEC. 2. That the services of draftsmen, assistant engineers, levelers, transitmen, rodmen, chainmen, computers, copyists, overseers, and inspectors temporarily required in connection with sewer, water, street, street-cleaning, or road work, or construction and repair of buildings and bridges, or any general or special engineering or construction work authorized by appropriations may be employed exclusively to carry into effect said appropriations when specifically and in writing ordered by the Commissioners, and all such necessary expenditures for the proper execution of said work shall be paid from and equitably charged against the sums appropriated for said work; and the Commissioners in their Budget estimates shall report the number of such employees performing such services, and their work, and the sums paid to each, and out of what appropriation: *Provided*, That the expenditures hereunder shall not exceed \$42,000 during the fiscal year 1941: *Provided further*, That excluding inspectors in the sewer department, one inspector in the electrical department, and one inspector in the repair shop, no person shall be employed in pursuance of the authority contained in this paragraph for a longer period than nine months in the aggregate during the fiscal year.

Temporary services
of draftsmen, etc.

Proviso.
Limitation.
Maximum period of
employment.

Appropriations in this Act shall be available for payment by the District of Columbia of its contributions as an employer, in accordance with the provisions of the District of Columbia Unemployment Compensation Act (49 Stat. 946).

D. C. Unemploy-
ment Compensation
Act, contributions.
8 D. C. Code, Supp.
V, §§ 311-335.

The Commissioners, or their duly designated representatives, are further authorized to employ temporarily such laborers, skilled laborers, drivers, hostlers, and mechanics as may be required exclusively in connection with sewer, water, street, and road work, and street cleaning, or the construction and repair of buildings, and bridges, furniture and equipments, and any general or special engineering or construction or repair work, and to incur all necessary engineering and other expenses, exclusive of personal services, incidental to carrying on such work and necessary for the proper execution thereof, said laborers, skilled laborers, drivers, hostlers, and mechanics to be employed to perform such work as may not be required by law to be done under contract, and to pay for such services and expenses from the appropriations under which such services are rendered and expenses incurred.

Temporary labor,
etc.

SEC. 3. That all horses, harness, horse-drawn vehicles necessary for use in connection with construction and supervision of sewer, street, street lighting, road work, and street-cleaning work, including maintenance of said horses and harness, and maintenance and repair of said vehicles, and purchase of all necessary articles and supplies in connection therewith, or on construction and repair of buildings and bridges, or any general or special engineering or construction work authorized by appropriations, may be purchased, hired, and maintained, and motortrucks may be hired exclusively to carry into effect said appropriations, when specifically and in writing ordered by the Commissioners; and all such expenditures necessary for the proper execution of said work, exclusive of personal services, shall be paid from and equitably charged against the sums appropriated for said work; and the Commissioners in the Budget estimates shall report the number of horses, vehicles, and harness purchased, and horses and vehicles hired, and the sums paid for same, and out of what appropriation; and all horses owned or maintained by the District shall, so far as may be practicable, be provided for in stables owned or operated by said District: *Provided*, That such horses, horse-drawn vehicles, and carts as may be temporarily needed for hauling and excavating material in connection with works authorized by appropriations may

Horses, wagons, etc.

Proviso.
Temporary employ-
ment.

be temporarily employed for such purposes under the conditions named in section 2 of this Act in relation to the employment of laborers, skilled laborers, and mechanics.

Miscellaneous trust-fund deposits.
Expenses payable from.
33 Stat. 368.
20 D. C. Code § 636.

SEC. 4. That the Commissioners are authorized to employ in the execution of work, the cost of which is payable from the appropriation account created in the District of Columbia Appropriation Act, approved April 27, 1904, and known as the miscellaneous trust-fund deposits, District of Columbia, necessary personal services, horses, carts, and wagons, and to hire therefor motortrucks when specifically and in writing authorized by the Commissioners, and to incur all necessary expenses incidental to carrying on such work and necessary for the proper execution thereof, including the purchase, exchange, maintenance, and operation of motor vehicles for inspection and transportation purposes, such services and expenses to be paid from said appropriation account: *Provided*, That the Commissioners may delegate to their duly authorized representatives the employment under this section of laborers, mechanics, and artisans.

Proviso.
Employment of labor.

Material, supplies, vehicles, etc., purchase.

SEC. 5. That the Commissioners and other responsible officials, in expending appropriations contained in this Act, so far as possible, shall purchase material, supplies, including food supplies and equipment, when needed and funds are available, in accordance with the regulations and schedules of the Procurement Division of the Treasury Department or from various services of the Government of the United States possessing materials, supplies, passenger-carrying and other motor vehicles, and equipment no longer required. Surplus articles purchased from the Government, if the same have not been used, shall be paid for at a reasonable price, not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage. The various services of the Government of the United States are authorized to sell such surplus articles to the municipal government under the conditions specified, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts: *Provided*, That this section shall not be construed to amend, alter, or repeal the Executive order of December 3, 1918, concerning the transfer of office materials, supplies, and equipment in the District of Columbia falling into disuse because of the cessation of war activities.

Surplus articles, price basis.

Proviso.
Provisions of designated Executive order not affected.

Rent limitation.
Ante, p. 310.

SEC. 6. No part of the funds appropriated in this Act shall be available for the payment of rental of quarters for any activity at a rate in excess of 90 per centum of the per annum rate paid by the District of Columbia for such quarters on June 30, 1933: *Provided*, That the provisions of this paragraph shall not apply to leases made prior to the passage of this Act, except when renewals thereof are made hereafter: *Provided further*, That the appropriations or portions of appropriations unexpended by reason of the operation of this paragraph shall not be used for any purpose, but shall be impounded and deposited in the Treasury to the credit of the District of Columbia.

Provisos.
Prior leases.

Unexpended appropriations, impoundment and deposit.

Salary increases.

SEC. 7. Appropriations contained in this Act shall be used to pay increases in the salaries of officers and employees by reason of the reallocation of the position of any officer or employee by the Civil Service Commission, and administrative promotions within the several grades: *Provided*, That the total reallocation increases under such appropriations shall not exceed \$35,000 and administrative promotions shall not exceed \$50,000: *Provided further*, That such reallocation increases and administrative promotions shall be subject to the approval of the Commissioners of the District of Columbia.

Provisos.
Limitation.

Approval.

Minor purchases.
41 U. S. C. § 5.

SEC. 8. Section 3709 of the Revised Statutes of the United States shall not be construed to apply to any purchase made or service ren-

dered under the appropriations contained in this Act when the aggregate amount does not exceed the sum of \$100.

SEC. 9. No part of this appropriation shall be available for any expense for or incident to the issuance of congressional tags except to those persons set out in the Act of December 19, 1932 (47 Stat. 750), including the Speaker and the Vice President.

Congressional tags.
6 D. C. Code, Supp.
V, § 243.

SEC. 10. No part of any appropriation contained in this Act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States, or of the District of Columbia unless such person is a citizen of the United States, or a person in the service of the United States or the District of Columbia on the date of the approval of this Act who being eligible for citizenship had theretofore filed a declaration of intention to become a citizen or who owes allegiance to the United States.

Citizenship requirement.

SEC. 11. This Act may be cited as the "District of Columbia Appropriation Act, 1941".

Short title.

Approved, June 12, 1940.

[CHAPTER 334]

AN ACT

Authorizing the Secretary of the Interior to grant to the State of Montana for the use and benefit of the Montana School of Mines a patent to a certain tract of land.

June 12, 1940
[S. 2191]
[Public, No. 603]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to grant, subject to vested existing rights, to the State of Montana for the use and benefit of the Montana School of Mines a patent to the tract of land (including all mineral rights therein) known as the WPA Quartz Lode Mining Claim, located in Summit Valley Mining District, Montana, and designated on the official plat of the United States General Land Office as lot 19, section 14, township 3 north, range 8 west, Montana principal meridian. Such claim is more particularly described as follows:

Montana School of
Mines.
Granting of lands
for use of, authorized.

Location of tract.

Beginning at the south corner of the tract herein described, a point in the east end line of survey numbered 1688, Occidental Lode, lot 441, and which is also corner numbered 10 of survey numbered 2942, Arkansaw Lode Mining Claim, and corner numbered 4 of survey numbered 1218, Great Western Lode, lot 339; thence, first course north eight degrees west along the east end line of survey numbered 1688, Occidental Lode, two hundred and thirty-eight feet to the northwest corner of the tract herein described and which is also corner numbered 2 of survey numbered 1688, Occidental Lode, and a point in the south side line of survey numbered 1687, Bummer Lode, lot 440; thence, second course, north eighty-one degrees east along the south side line of survey numbered 1687, Bummer Lode, forty-four feet to the northeast corner of the tract herein described, which is also the point of intersection of line 4-3 of survey numbered 1687, Bummer Lode, at south eighty-one degrees west, two hundred and three feet from its corner numbered 3, with line 3-4 of survey numbered 1218, Great Western Lode, at south two degrees thirty-four minutes west, one hundred and thirty-six feet from its corner numbered 3; thence, third course, south two degrees thirty-four minutes west along line 3-4, the west end line of survey numbered 1218, Great Western Lode, two hundred and forty-four feet, to the place of beginning, containing an area of one hundred and twenty one-thousandths acre, more or less. Such trace being entirely within the boundaries of the location corners set for the said WPA Quartz Lode Mining Claim.

Description.

Approved, June 12, 1940.

[CHAPTER 335]

AN ACT

June 12, 1940

[S. 2262]

[Public, No. 604]

To provide for a change in the time for holding court at Rock Hill and Spartanburg, South Carolina.

Judicial Code,
amendment.
28 U. S. C., Supp.
V, § 186.

South Carolina judi-
cial districts.

Western district.

Divisions.

Anderson.

Greenville.

Greenwood.

Rock Hill.

Spartanburg.

Terms of courts.

Eastern district.

Divisions.

Aiken.

Charleston.

Columbia.

Florence.

Orangeburg.

Terms of courts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 105 of the Judicial Code, as amended (U. S. C., title 28, sec. 186), be, and the same is hereby, amended to read as follows:

"SEC. 105. The State of South Carolina is divided into two districts to be known as the eastern and western districts of South Carolina.

"The western district shall include the territory embraced on the 1st day of July 1910 in the counties of Abbeville, Anderson, Cherokee, Chester, Edgefield, Fairfield, Greenville, Greenwood, Lancaster, Laurens, Newberry, Oconee, Pickens, Saluda, Spartanburg, Union, and York.

"The western district of South Carolina is divided into five divisions, to be known as the Anderson, Greenville, Greenwood, Rock Hill, and Spartanburg divisions. The Anderson division shall include the territory embraced in the counties of Anderson, Oconee, and Pickens. The Greenville division shall include the territory embraced in the counties of Greenville and Laurens. The Greenwood division shall include the territory embraced in the counties of Abbeville, Edgefield, Greenwood, McCormick, Newberry, and Saluda. The Rock Hill division shall include the territory embraced in the counties of Chester, Fairfield, Lancaster, and York. The Spartanburg division shall include the territory embraced in the counties of Cherokee, Spartanburg, and Union. The terms of the district court for the Anderson division shall be held at Anderson, for the Greenville division at Greenville, for the Greenwood division at Greenwood, for the Rock Hill division at Rock Hill, and for the Spartanburg division at Spartanburg. Terms of the district court for the western district shall be held at Greenville on the first Mondays in April and October; at Rock Hill the second Monday in March and the first Monday in September; at Greenwood the first Mondays in February and November; at Anderson the fourth Mondays in May and November; and at Spartanburg on the third Monday in February and the second Monday in September.

"The eastern district shall include the territory embraced on the 1st day of July 1910 in the counties of Aiken, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Florence, Georgetown, Hampton, Horry, Kershaw, Lee, Lexington, Marion, Marlboro, Orangeburg, Richland, Sumter, and Williamsburg.

"The eastern district of South Carolina is divided into five divisions, to be known as the Aiken, Charleston, Columbia, Florence, and Orangeburg divisions. The Aiken division shall include the territory embraced in the counties of Aiken, Allendale, Barnwell, and Hampton. The Charleston division shall include the territory embraced in the counties of Beaufort, Berkeley, Charleston, Clarendon, Colleton, Dorchester, and Jasper. The Columbia division shall include the territory embraced in the counties of Kershaw, Lee, Lexington, Richland, and Sumter. The Florence division shall include the territory embraced in the counties of Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marion, Marlboro, and Williamsburg. The Orangeburg division shall include the territory embraced in the counties of Calhoun, Bamberg, and Orangeburg. The terms of the district court for the Aiken division shall be held at Aiken, for the Charleston division at Charleston, for the Columbia division at Columbia, for the Florence division at Florence, and the Orangeburg division at Orangeburg.

"Terms of the district court for the eastern district shall be held at Charleston on the second Monday in October, the third Monday in January, and the fourth Monday in May; at Columbia on the first Monday in November and the third Monday in March; at Florence on the first Monday in December and the fourth Monday in April; at Aiken on the fourth Monday in September and the second Monday in February; and at Orangeburg on the third Monday in November and the second Monday in April: *Provided*, That facilities for holding court at Orangeburg are furnished free of expense to the United States. The office of the clerk of the district court for the western district shall be at Greenville and the office of the clerk of the district court for the eastern district shall be at Charleston.

"All criminal cases shall be tried in the division in which the offense was committed, unless upon proper showing the venue would be changed by the judge from one division to another, and this change be made only upon affidavits and motion made in open court after four days' notice to the adverse party."

Approved, June 12, 1940.

Terms of courts.

Proviso.
Free facilities at
Orangeburg.
Offices.

Trial of criminal
cases.

[CHAPTER 336]

AN ACT

To amend section 73 of an Act entitled "An Act to provide a government for the Territory of Hawaii", approved April 30, 1900, as amended.

June 12, 1940
[H. R. 9185]
[Public, No. 605]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide a government for the Territory of Hawaii", approved April 30, 1900, as amended, is hereby further amended by adding at the end of section 73 thereof the following paragraphs:

Hawaiian Organic
Act, amendment.
31 Stat. 141.
8 U. S. C. §§ 83-86;
48 U. S. C. §§ 663-677;
Supp. V, § 670.

"Any person or persons holding an unpatented homestead under a special homestead agreement, entered into prior to the effective date of this paragraph, excluding those homesteads under the control of the Hawaiian Homes Commission as provided in section 203 of the Hawaiian Homes Commission Act, 1920, shall be entitled to a reamortization of the indebtedness due the Territory of Hawaii on account of such special homestead agreement upon filing an application for the reamortization of said indebtedness with the Commissioner within six months after the effective date of this paragraph. Upon the filing of any such application, the Commissioner shall determine the balance due the Territory in the following manner: The amount of the principal which would have been paid during the full period of payment provided for in the special homestead agreement had the agreement been duly performed according to its terms and the amount of the interest which would have been paid under the special homestead agreement prior to the effective date of this paragraph had the agreement been duly performed according to its terms shall be computed and added together; from the sum of these amounts there shall be deducted all moneys that have been actually paid to the Territory on account of the special homestead agreement, whether as principal or as interest. The balance thus determined shall be the total amount remaining due and payable for the homestead covered by such special homestead agreement, any other terms, conditions, or provisions in any of said agreements, or any provisions of law to the contrary notwithstanding: *Provided, however*, That nothing herein contained shall be deemed to excuse the payment of taxes and other charges and assessments upon unpatented homestead lands as provided in said agreements, nor to excuse or modify any term, condition, or provision of said agreements other than such as relate to the principal and interest payable to the

Reamortization of
indebtedness of cer-
tain persons.

42 Stat. 109.
48 U. S. C. § 697;
Supp. V, § 697.

Filing of applica-
tion.

Determination of
balance due Territory.

Proviso.
Payment of taxes,
etc.

Installments.	Territory. The total amount remaining due, determined as hereinabove provided, shall be payable in fifteen equal biennial installments. Simple interest at the rate of 3 per centum per annum shall be charged upon the unpaid balance of such installments, whether matured or unmatured, said interest to be computed from the effective date of this paragraph and to be payable semiannually. The first payment on account of principal shall be due two years subsequent to the effective date of this paragraph, and thereafter the due dates of principal payments shall be at regular two-year periods; the first payment on account of interest shall be due six months subsequent to the effective date of this paragraph, and thereafter the due dates of interest payments shall be at regular six-month periods. In case of default in payments of principal or interest on the due dates as hereby fixed the Commissioner may, with the approval of the Governor, with or without legal process, notice, demand, or previous entry, take possession of the land covered by any such special homestead agreement and thereby determine the estate created by such agreement as hereby modified, whereupon liability for payment of any balance then due under such special homestead agreement shall terminate. When the aforesaid payments have been made to the Territory of Hawaii, and all taxes, charges, and assessments upon the land have been paid as provided by said agreements, and all other conditions therein stipulated have been complied with, except as herein excused or modified, the said special homestead agreements shall be deemed to have been performed by the holders thereof, and land-patent grants covering the land described in such agreements shall be issued to the parties mentioned therein, or their heirs or assigns, as the case may be.
Interest.	
Due dates of payments on principal.	
Due dates of payments on interest.	
Possession by Commissioner upon default.	
Issuance of land-patent grants.	"Neither the Territory of Hawaii nor any of its officers, agents, or representatives shall be liable to any holder of any special homestead agreement, past or present, whether or not a patent shall have issued thereon, or to any other person, for any refund or reimbursement on account of any payment to the Territory in excess of the amount determined as provided by the preceding paragraph, and the legislature shall not recognize any obligation, legal or moral, on account of such excess payments."
Nonliability of Territory for refunds, etc.	
Effective date.	SEC. 2. This Act shall take effect upon its approval. Approved, June 12, 1940.

[CHAPTER 337]

AN ACT

June 12, 1940
[H. R. 9262]
[Public, No. 606]

To provide for the examination of civilian nautical schools and for the inspection of vessels used in connection therewith, and for other purposes.

Merchant marine.
"Civilian nautical school," definition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act the term "civilian nautical school" means any school or branch thereof operated and conducted in the United States (except State nautical schools and schools operated by the United States or any agency thereof), which offers to persons quartered on board any vessel instruction for the primary purpose of training for service in the merchant marine.

Examination, rating, etc.

SEC. 2. Every civilian nautical school shall be subject to examination and inspection by the United States Maritime Commission, and the Commission may, under such rules and regulations as it may prescribe, provide for the rating and certification of such schools as to the adequacy of the course of instruction, the competency of the instructors, and the suitability of equipment used by or in connection with such schools.

SEC. 3. (a) All laws covering the inspection of passenger vessels in effect on the date of enactment of this Act are hereby made applicable to all vessels or other floating equipment used by or in connection with any civilian nautical school, whether such vessels or other floating equipment are being navigated or not, to such extent and upon such conditions as may be required by regulations prescribed by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce.

Inspection of ves-
sels.

(b) The Bureau of Marine Inspection and Navigation is authorized and directed, through such rules and regulations as the Secretary of Commerce may approve, to prescribe minimum standards for the size, ventilation, plumbing, and sanitation of quarters assigned to members of the crew, passengers, cadets, students, instructors, or any other persons at any time quartered on board any vessel used by or in connection with any civilian nautical school.

Standards for size,
etc., of quarters.

(c) No certificate of inspection shall be issued to any such vessel until and unless a board of local inspectors has found such vessel to be in compliance with all the requirements of this section and the regulations issued thereunder. Such certificates shall be subject to revocation in the manner prescribed by section 4453 of the Revised Statutes of the United States, as amended (U. S. C., 1934 edition, title 46, sec. 435).

Certificate of in-
spection, requirement.

Revocation.

(d) On and after ninety days from the date of enactment of this Act, it shall be unlawful for any vessel to which the Act applies to be used by or in connection with any civilian nautical school unless it is in possession of a valid, unexpired certificate of inspection, or a valid, unexpired temporary certificate of inspection.

Possession of cer-
tificates by vessels.

(e) In case of the violation of this section or of any of the regulations issued thereunder by any vessel, or any owner or officer thereof, such vessel, owner, or officer shall be fined not more than \$1,000, and such owner or officer may be imprisoned for not more than one year, or subjected to both fine and imprisonment. Should the owner of such vessel be a corporation, organization, or association, each officer or director participating in the violation shall be liable to the penalty hereinabove prescribed.

Penalty provisions.

SEC. 4. The provisions of section 3 of this Act shall not apply to vessels of the Navy or the Coast Guard used by or in connection with civilian nautical schools.

Vessels of Navy or
Coast Guard ex-
cepted.

Approved, June 12, 1940.

[CHAPTER 339]

AN ACT

To amend sections 798 and 800 of the Code of Law for the District of Columbia, relating to murder in the first degree.

June 12, 1940

[S. 186]

[Public, No. 607]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 798 and 800 of the Act entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901 (31 Stat. 1189), be amended to read as follows:

District of Colum-
bia Code, amend-
ment.

6 D. C. Code §§ 21,
23.

"SEC. 798. MURDER IN THE FIRST DEGREE.—Whoever, being of sound memory and discretion, kills another purposely, either of deliberate and premeditated malice or by means of poison, or in perpetrating or attempting to perpetrate any offense punishable by imprisonment in the penitentiary, or without purpose so to do kills another in perpetrating or in attempting to perpetrate any arson, as defined in section 820 or 821 of this Code, rape, mayhem, robbery, or kidnapping, or in perpetrating or in attempting to perpetrate any housebreaking while armed with or using a dangerous weapon, is guilty of murder in the first degree.

Murder, first de-
gree.

Murder, second degree.

"SEC. 800. MURDER IN THE SECOND DEGREE.—Whoever with malice aforethought, except as provided in the last two sections, kills another, is guilty of murder in the second degree."

Approved, June 12, 1940.

[CHAPTER 340]

AN ACT

June 12, 1940
[S. 2639]
[Public, No. 608]

Relating to the hours of service of persons employed upon the Government-owned Wiota-Fort Peck Railroad in the State of Montana.

Wiota-Fort Peck Railroad, Mont.
Hours of service of employees.
27 Stat. 340.
40 U. S. C. §§ 321-323.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act entitled "An Act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia", approved August 1, 1892, as amended, shall not be applicable with respect to the service and employment of persons employed in connection with the operation or maintenance of the Government-owned Wiota-Fort Peck Railroad in the State of Montana; but the hours of labor or service of such persons shall be limited to the same extent that such hours of labor or service would be limited, if the United States in the operation of such railroad were a common carrier subject to the provisions of the Act entitled "An Act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon", approved March 4, 1907, as amended.

34 Stat. 1415.
45 U. S. C. §§ 61-64.

Violation by U. S. officers or agents.

SEC. 2. Any officer or agent of the United States whose duty it shall be to employ, direct, or control any person employed in connection with the operation or maintenance of such railroad who shall intentionally require or permit such person to be employed for hours of labor or service in violation of this Act shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine of not to exceed \$1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

Penalty.

Approved, June 12, 1940.

[CHAPTER 341]

AN ACT

June 12, 1940
[S. 3828]
[Public, No. 609]

To amend section 107 of the Judicial Code, as amended, to eliminate the requirement that suitable accommodations for holding the court at Winchester, Tennessee, be provided by the local authorities.

Judicial Code, amendment.
Tennessee judicial districts.
36 Stat. 1124.
28 U. S. C., Supp. V, § 188.
Post, pp. 1216, 1217.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 107 of the Judicial Code, as amended (U. S. C., 1934 edition, title 28, sec. 188), is amended by striking out "Provided, That suitable accommodations for holding the courts at Winchester, Columbia, and Cookeville shall be provided by the local authorities without expense to the United States until, subject to the recommendation of the Attorney General of the United States with respect to providing such rooms and accommodations for holding court at Columbia, a public building shall have been erected or other Federal space provided for court purposes in said city", and inserting in lieu thereof the following: "Provided, That suitable accommodations for holding the court at Cookeville shall be provided by the local authorities

Provides.
Court accommodations at Cookeville.

without expense to the United States: *Provided further*, That suitable accommodations for holding the courts at Winchester and Columbia shall be provided by the local authorities, but only until such time as, in the case of each of such cities, such accommodations shall have been provided, upon recommendation of the Director of the Administrative Office of the United States Courts, in a public building or in other quarters provided by the Federal Government for such purpose”.

Approved, June 12, 1940.

At Winchester and Columbia.

[CHAPTER 342]

AN ACT

To provide educational employees of the public schools of the District of Columbia with leave of absence, with part pay, for purposes of educational improvement, and for other purposes.

June 12, 1940
[H. R. 9326]

[Public, No. 610]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board of Education, on recommendation of the superintendent of schools, may grant leave of absence with part pay to any employee of said Board of Education whose salary is fixed in the Salary Act approved June 4, 1924, who has served in the public schools of the District of Columbia not less than six years continuously prior to filing application for leave, for purposes of educational improvement for a period not exceeding one year at a time, under conditions not herein otherwise specified as the Board of Education may determine, and the place of said person to be filled by the appointment of a qualified temporary employee for the period of said leave: *Provided*, That not more than 2 per centum of the total number of the above-mentioned employees may be on leave with part pay at the same time.

District of Columbia.
Board of Education employees.
Leave for educational improvement.
43 Stat. 387.
7 D. C. Code, ch. 2; Supp. V, ch. 2.

Proviso.
Limitation.

SEC. 2. Any employee to whom such leave of absence may be granted shall report in writing to the Superintendent, in such form as the Board of Education may determine, the manner in which said leave of absence is being employed, and for failure to comply with any requirement of the rules of the Board of Education or to pursue in a satisfactory manner the purpose for which said leave of absence was granted, the Board of Education, on recommendation of the Superintendent, may terminate such leave of absence at any time.

Written report to Superintendent.

Termination of leave by Board.

SEC. 3. Any teacher whose salary is fixed in article I of the Act approved June 4, 1924, who is granted leave of absence for educational purposes under the provisions of this Act, shall receive compensation during the period of said leave, paid in the same manner as though on active duty, equal to the difference between the salary which the teacher would have received during the year he is on said leave of absence and the basic annual salary of group A or group C of his salary class, less the amount of his contribution to the retirement fund, in accordance with the provisions of the Retirement Act, as amended and approved June 11, 1926.

Compensation of teacher while on leave.

44 Stat. 727.
7 D. C. Code §§ 61-79; Supp. V, §§ 70, 70a.

SEC. 4. Any administrative or supervisory officer mentioned in section 1 of this Act whose salary is fixed in article II of the Act approved June 4, 1924, who is granted leave of absence for educational purposes under the provisions of this Act, shall receive compensation during the period of said leave, paid in the manner as though on active duty, equal to the largest amount to which any teacher in the group B or group D salary class under his supervision would be entitled if given such education leave, less the amount of his contribution to the retirement fund in accordance with the provisions of the Retirement Act, as amended and approved June 11,

Compensation of administrative, etc., officer while on leave.

Provisos.
Temporary assign-
ment to officer's posi-
tion.

Filling of vacated
position.

Teacher or officer on
leave considered as in
active service.

Masculine pronoun
construed.

Effective date.

1926: *Provided*, That during the period of the leave of said officer, the Board of Education on the recommendation of the superintendent of schools may authorize the temporary assignment to his position of any teacher or officer who serves under said officer on leave: *And provided further*, That the position of the teacher or officer so assigned may be filled during the period of such absence by a qualified temporary employee.

SEC. 5. The teacher or officer who takes leave of absence with part pay for educational purposes under the provisions of this Act shall be construed as in active service, and periods of service for salary increment purposes and for retirement purposes, and the pay which the teacher or officer would have received had leave not been taken shall be used in computing retirement annuities.

SEC. 6. Wherever the masculine pronoun occurs in this Act it shall be construed to mean both male and female employees.

SEC. 7. This Act shall take effect on and after July 1, 1940.

Approved, June 12, 1940.

[CHAPTER 343]

AN ACT

Making appropriations for the Military Establishment for the fiscal year ending June 30, 1941, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Military Establishment for the fiscal year ending June 30, 1941, and for other purposes, namely:

June 13, 1940
[H. R. 9209]
[Public, No. 611]

Military Appropria-
tion Act, 1941.
Post, pp. 601, 656,
872, 966.

Post, pp. 603, 604.

Personal services.

Office of Secretary
of War.

Provisos.
Transportation ex-
penses, etc., of per-
sons serving in ad-
visory capacity.
Post, p. 971.

41 U. S. C. § 5.

Use of field-service
appropriations for per-
sonal services.

Designated offices.

SALARIES, WAR DEPARTMENT

For compensation for personal services in the District of Columbia, as follows:

Office of Secretary of War: Secretary of War, Assistant Secretary of War, and other personal services, \$543,240, of which \$184,860 shall be available exclusively for temporary personal services: *Provided*, That not to exceed \$50,000 of the appropriations contained in this Act for military activities shall be available for the payment of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses of persons serving while away from their homes, without other compensation, in an advisory capacity to the Secretary of War, and for the temporary employment of persons or organizations, by contract or otherwise, without regard to section 3709 of the Revised Statutes or the civil service or classification laws: *Provided*, That no field-service appropriation shall be available for personal services in the War Department except as may be expressly authorized herein.

Office of Chief of Staff, \$312,290, of which \$69,340 shall be available exclusively for temporary personal services.

Adjutant General's office, \$1,797,856, of which \$251,740 shall be available exclusively for temporary personal services.

Office of the Inspector General, \$37,260.

Office of the Judge Advocate General, \$127,560.

Office of the Chief of Finance, \$514,928, of which \$94,798 shall be available exclusively for temporary personal services.

Office of the Quartermaster General, \$1,001,786 of which \$140,000 shall be available exclusively for temporary personal services.

Office of the Chief Signal Officer, \$279,927, of which \$70,422 shall be available exclusively for temporary personal services.

Office of the Chief of Air Corps, \$392,000, of which \$133,000 shall be available exclusively for temporary personal services.

Office of the Surgeon General, \$370,710, of which \$41,000 shall be available exclusively for temporary personal services.

Office of Chief of Engineers, \$216,256, of which \$55,000 shall be available exclusively for temporary personal services: *Provided*, That the services of such additional technical and clerical personnel as the Secretary of War may deem necessary may be employed only in the Office of the Chief of Engineers, to carry into effect the various appropriations for rivers and harbors and flood control, surveys, and preparation for and the consideration of river and harbor and flood-control estimates and bills, to be paid from such appropriations: *Provided further*, That the expenditures on this account for the fiscal year 1941 shall not exceed \$585,680, and the Secretary of War shall each year, in the Budget, report to Congress the number of persons so employed, their duties, and the amount paid to each.

Office of Chief of Ordnance, \$838,500, of which \$350,000 shall be available exclusively for temporary personal services.

Office of Chief of Chemical Warfare Service, \$74,790, of which \$24,000 shall be available exclusively for temporary personal services.

Office of Chief of Infantry, \$15,320.

Office of Chief of Cavalry, \$11,100.

Office of Chief of Field Artillery, \$6,840.

Office of Chief of Coast Artillery, \$36,040.

Office of Chief of Chaplains, \$9,680.

National Guard Bureau, War Department, \$181,864.

In all, salaries, War Department, \$6,767,947: *Provided*, That the number of warrant officers and enlisted men on duty in the offices of the Chiefs of Ordnance, Engineers, Coast Artillery, Field Artillery, Cavalry, Infantry, and Chaplains on March 5, 1934, shall not be increased, and in lieu of warrant officers and enlisted men whose services in such offices shall have been terminated for any cause prior to July 1, 1941, their places may be filled by civilians, for the pay of whom, in accordance with the Classification Act of 1923, as amended, the appropriation "Pay of the Army" shall be available.

In expending appropriations or portions of appropriations contained in this Act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the Assistant Secretary of War, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law; or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Office of Chief of Engineers.
Proviso.
Services of technical and clerical personnel.

Maximum expenditures, fiscal year 1941.
Report to Congress.

Aggregate.
Proviso.
No increase in certain details.

Civilians to fill vacancies.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.
Post, p. 354.
Salary restriction.

Exception.

Proviso.
Restriction not applicable in designated cases.

42 Stat. 1490.
5 U. S. C. § 666.

Post, pp. 603, 604.

OFFICE OF THE SECRETARY

Post, pp. 603, 604, 875.

CONTINGENT EXPENSES, WAR DEPARTMENT

Department contingent expenses.

For stationery; purchase of professional and scientific books, law-books, including their exchange; books of reference, pamphlets, periodicals, newspapers (not to exceed \$305), maps; typewriting and adding machines, and other labor-saving devices, including their repair and exchange; furniture and repairs to same; carpets, linoleum, filing equipment, photo supplies, towels, ice, brooms, soap, sponges; purchase (including exchange) of an automobile for the official use of the Secretary of War at not to exceed \$1,800; purchase (including exchange) of motortrucks; maintenance, repair, and operation of motortrucks and one motor-propelled passenger-carrying vehicle, to be used only for official purposes; freight and express charges; streetcar fares; postage to Postal Union countries; and other absolutely necessary expenses, \$422,485, and it shall not be lawful to expend, unless otherwise specifically provided herein, for any bureau, office, or branch of the War Department or of the Army having or maintaining an office in the War Department proper, at Washington, District of Columbia, any sum out of appropriations contained in this Act (or accruing thereto) made for the Military Establishment for any of the purposes mentioned or authorized in this paragraph: *Provided*, That section 3709, Revised Statutes, shall not apply to any procurement under this appropriation which does not exceed \$50 in amount.

Restriction on expenditures.

proviso.
Minor purchases.
41 U. S. C. § 5.
Post, p. 1109.

LIBRARY, SURGEON GENERAL'S OFFICE

Books of reference, etc.

For the purchase of the necessary books of reference, periodicals, and technical supplies and equipment, \$25,000.

ARMY MEDICAL MUSEUM

Preservation, etc., of specimens.

For the procurement, preparation, and preservation of specimens and the purchase of technical supplies and equipment, \$14,400.

Post, pp. 603, 604.

PRINTING AND BINDING, WAR DEPARTMENT

Printing and binding.

Proviso.
Bulletins.

For printing and binding for the War Department, except such as may be otherwise provided for in accordance with existing law, \$672,730: *Provided*, That the sum of \$3,000, or so much thereof as may be necessary, may be used for the publication, from time to time, of bulletins prepared under the direction of the Surgeon General of the Army, for the instruction of medical officers, when approved by the Secretary of War.

Post, pp. 378, 601, 604, 872, 966, 1046.

MILITARY ACTIVITIES

Post, p. 966.

CONTINGENCIES OF THE ARMY

Army contingencies.

For all emergencies and extraordinary expenses, including the employment of translators, and exclusive of all other personal services in the War Department or any of its subordinate bureaus or offices in the District of Columbia, or in the Army at large, but impossible to be anticipated or classified, and for examination of estimates of appropriations and of military activities in the field, to be expended on the approval or authority of the Secretary of War, and for such purposes as he may deem proper, and his determination thereon shall be final and conclusive upon the accounting officers of the Govern-

ment, \$50,000, of which \$30,000 shall be available immediately and exclusively for the actual and necessary expenses, as may be determined and approved by the Secretary of War, of officers of the Army on special duty in European countries.

Officers on special duty in European countries, expenses.

EDUCATIONAL ORDERS

For placing educational orders and for expenditures incidental to the accomplishment of procurements thereunder, as authorized by the Act of June 16, 1938, as amended by section 13 of the Act of April 3, 1939, \$16,250,000: *Provided*, That the Secretary of War shall submit to Congress as early as may be practicable at the next regular session a detailed report of all expenditures from appropriations under this head for the period ending December 31, 1940.

Educational orders.
52 Stat. 707; 53 Stat. 560.
50 U. S. C., Supp. V, §§ 91-94.
Proviso.
Report to Congress.

GENERAL STAFF CORPS

Post, pp. 601, 655, 966.

MILITARY INTELLIGENCE ACTIVITIES

Post, pp. 655, 966.

For miscellaneous expenses requisite for and incident to the military intelligence activities of the Army and maintenance of the military attachés at the United States Embassies and Legations abroad, including the purchase of lawbooks, maps, professional books of reference, and subscriptions to newspapers and periodicals; for the hire of interpreters, special agents, and guides, and for such other purposes as the Secretary of War may deem proper, including not to exceed \$5,000 for the actual and necessary expenses of officers of the Army on duty abroad for the purpose of observing operations of armies of foreign states at war, to be paid upon certificates of the Secretary of War that the expenditures were necessary for obtaining military information, \$125,000, to be expended under the direction of the Secretary of War, and \$10,000 of such sum shall be available immediately: *Provided*, That section 3648, Revised Statutes (31 U. S. C. 529), shall not apply to payments made from appropriations contained in this Act in compliance with the laws of foreign countries or their ministerial regulations under which the military attachés are required to operate.

Miscellaneous expenses.

Observing operations of foreign armies.

Proviso.
Provisions waived.

FIELD EXERCISES

Post, pp. 601, 966.

For expenses required for the conduct of special field exercises, including participation therein by the National Guard and the Organized Reserves, and including pay and travel of temporary employees and officers and enlisted men of the National Guard and the Organized Reserves, not otherwise provided for, allowances for enlisted men for quarters and rations, troop movements and travel of personnel of the Regular Army, in connection with special field exercises, including special combat training for small units, movement of matériel, maintenance and operation of structures and utilities, rental of land or purchase of options to rent land without reference to section 3648, Revised Statutes, use or repair of private property, and any other requisite supplies and services, and for settlement of claims (not exceeding \$500 each) for damages to or loss of private property resulting from such exercises that have accrued or may hereafter accrue, when payment thereof will be accepted by the owners of the property in full satisfaction of such damages, and each claim is substantiated in such manner as the Secretary of War may prescribe by regulations and is approved by the Secretary of War, or by such other officer or officers as he may designate, whose action thereon shall be conclusive, \$8,231,306.

Participation by National Guard, etc.

Rental of land, etc.

31 U. S. C. § 529.
Private property damage claims.

ARMY WAR COLLEGE

Expenses.

For expenses of the Army War College, being for the purchase of the necessary special stationery; textbooks, books of reference, scientific and professional papers, newspapers, and periodicals; maps; police utensils; employment of temporary, technical, or special services, and expenses of special lectures; pay of employees; and for all other absolutely necessary expenses, \$80,664.

Post, pp. 601, 966.

ADJUTANT GENERAL'S DEPARTMENT

COMMAND AND GENERAL STAFF SCHOOL, FORT LEAVENWORTH, KANSAS

Expenses.

For the purchase of textbooks, books of reference, scientific and professional papers, instruments, and material for instruction; employment of temporary, technical, special, and clerical services; and for other necessary expenses of instruction, at the Command and General Staff School, Fort Leavenworth, Kansas, \$71,950.

Post, pp. 601, 966.

WELFARE OF ENLISTED MEN

Equipment and conduct of clubs, libraries, etc.

For the equipment and conduct of school, reading, lunch, and amusement rooms, service clubs, chapels, gymnasiums, and libraries, including periodicals and other publications and subscriptions for newspapers, salaries of civilians employed in the hostess and library services, transportation of books and equipment for these services, rental of films, purchase of slides for and making repairs to moving-picture outfits, and for similar and other recreational purposes at training and mobilization camps now established or which may be hereafter established, \$106,880.

Post, pp. 601, 604, 966.

FINANCE DEPARTMENT

Ante, p. 351; *post*, pp. 601, 966, 970.

PAY OF THE ARMY

Officers.

Aviation increase.

Increased pay for aerial flights, restriction.

Longevity.

Enlisted men.

Regular Army Reserve.

National Guard.

Aviation increase.

Philippine Scouts.

Longevity.

Retired officers, etc.

Civil-service messengers at headquarters, etc.

For pay of commissioned officers, \$38,055,754; pay of officers, National Guard, \$100; pay of warrant officers, \$1,351,248; aviation increase to commissioned and warrant officers of the Army, including not to exceed eighty-six medical officers, \$3,242,593, none of which shall be available for increased pay for making aerial flights by nonflying officers at a rate in excess of \$720 per annum, which shall be the legal maximum rate as to such officers, and such nonflying officers shall be entitled to such rate of increase by performing three or more flights within each ninety-day period, pursuant to orders of competent authority, without regard to the duration of such flight or flights; additional pay to officers for length of service, \$10,546,818; pay of enlisted men of the line and staff, not including the Philippine Scouts, \$125,325,942; Regular Army Reserve, \$1,119,816; pay of enlisted men of National Guard, \$100; aviation increase to enlisted men of the Army, \$2,195,303; pay of enlisted men of the Philippine Scouts, \$1,050,447; additional pay for length of service to enlisted men, \$8,965,256; pay of commissioned officers on the retired list, \$12,850,930; pay of retired warrant officers and retired members of the Army Nurse Corps, \$1,441,086; increased pay to not to exceed three hundred and eight retired officers on active duty, \$394,960; pay of retired enlisted men, \$13,930,512; pay of not to exceed sixty civil-service messengers at not to exceed \$1,200 each at headquarters of the several Territorial departments, corps areas, Army and corps headquarters, Territorial districts, tactical divisions and brigades, service

schools, camps, and ports of embarkation and debarkation, \$72,000; pay and allowances of contract surgeons, \$40,656; pay of nurses, \$1,277,763; rental allowances, including allowances for quarters for enlisted men on duty where public quarters are not available, \$12,808,431; subsistence allowances, \$7,221,009; interest on soldiers' deposits, \$75,000; payment of exchange by officers serving in foreign countries and when specially authorized by the Secretary of War, by officers disbursing funds pertaining to the War Department, when serving in Alaska, and all foreign money received shall be charged to and paid out by disbursing officers of the Army at the legal valuation fixed by the Secretary of the Treasury, \$100; in all, \$241,965,824, of which amount \$1,000,000 shall be available immediately; and the money herein appropriated for "Pay of the Army" shall be accounted for as one fund: *Provided*, That during the fiscal year ending June 30, 1941, no officer of the Army shall be entitled to receive an addition to his pay in consequence of the provisions of the Act approved May 11, 1908 (10 U. S. C. 803): *Provided further*, That the appropriations contained in this Act shall not be subject to the limitations contained in section 13a of the National Defense Act, as amended (10 U. S. C. 291), as to the number of enlisted men and flying cadets in the Army Air Corps: *Provided further*, That no part of this or any other appropriation contained in this Act shall be available for the pay of any person, civil or military, not a citizen of the United States, unless in the employ of the Government or in a pay status on July 1, 1937, under appropriations for the War Department, nor for the pay of any such person beyond the period of enlistment or termination of employment, but nothing herein shall be construed as applying to instructors of foreign languages at the Military Academy, or to Filipinos in the Army Transport Service, or to persons employed outside of the continental limits of the United States except enlisted men of the Regular Army, other than Philippine Scouts, upon expiration of enlistment, and this provision shall be subject to the provisions of the Act entitled "An Act for the protection of certain enlisted men of the Army", approved August 19, 1937: *Provided further*, That, without deposit to the credit of the Treasurer of the United States and withdrawal on money requisitions, receipts of public moneys from sales or other sources by officers of the Army on disbursing duty and charged in their official accounts, except receipts to be credited to river and harbor and flood-control appropriations and retirement deductions, may be used by them as required for current expenditures, all necessary bookkeeping adjustments of appropriations, funds, and accounts to be made in the settlement of their disbursing accounts.

No payment shall be made from money appropriated in this Act to any officer on the retired list of the Army who, for himself or for others, is engaged in the selling of, contracting for the sale of, or negotiating for the sale of, to the Army or the War Department, any war materials or supplies.

No appropriation for the pay of the Army shall be available for the pay of any officer or enlisted man on the active list of the Army who is engaged in any manner with any publication which is or may be issued by or for any branch or organization of the Army or military association in which officers or enlisted men have membership and which carries paid advertising of firms doing business with the War Department: *Provided, however*, That nothing herein contained shall be construed to prohibit officers from writing or disseminating articles in accordance with regulations issued by the Secretary of War.

Contract surgeons;
nurses.
Rent, subsistence,
etc.

Payment of ex-
change by officers
serving in foreign
countries.

Accounting.

Proviso.
No allowance to
officer owning mount.
35 Stat. 108.

Enlisted men, etc.,
in Army Air Corps,
number.

41 Stat. 768.
10 U. S. C., Supp.
V, § 291.

Citizenship require-
ment.

Not applicable to
designated persons.

50 Stat. 696.

Receipts of public
moneys from sales,
etc., use.

Retired officer sell-
ing supplies to Army,
pay restriction.

Officers, etc., en-
gaged with certain
service publications,
pay restriction.

Proviso.
Writing, etc., of
articles by officers.

Post, pp. 601, 966,
970.

TRAVEL OF THE ARMY

Travel allowances,
etc.

Amount immedi-
ately available.
Transfers from other
appropriations.

Restriction.

Provisos.
Expert accountant,
travel allowances.

Attendance at meet-
ings.
39 Stat. 199.
32 U. S. C. § 22.

Personnel traveling
under orders, ex-
penses.

Dependents, etc.

For travel allowances and travel in kind, as authorized by law, for persons traveling in connection with the military activities of the War Department, including mileage, transportation, reimbursement of actual expenses, or per diem allowances, to officers and contract surgeons; transportation of troops; transportation, or reimbursement therefor, of nurses, enlisted men, recruits, recruiting parties, applicants for enlistment between places of acceptance for enlistment and recruiting stations, rejected applicants for enlistment, general prisoners, cadets and accepted cadets from their homes to the Military Academy, discharged cadets, civilian employees, civilian witnesses before courts martial, and dependents of military personnel, including those of retired officers ordered to active duty and upon relief therefrom; travel pay to discharged military personnel; transportation of discharged prisoners and persons discharged from Saint Elizabeths Hospital after transfer thereto from the military service, to their homes, or elsewhere as they may elect, the cost in each case not to be greater than to the place of last enlistment; monetary allowances for liquid coffee for troops traveling when supplied with cooked or travel rations; commutation of quarters and rations to enlisted men traveling on detached duty when it is impracticable to carry rations, and to applicants for enlistment and general prisoners traveling under orders; per diem allowances or actual cost of subsistence while in a travel status, to nurses, civilian employees, and civilian witnesses before courts martial, \$7,004,916, of which amount \$100,000 shall be available immediately, and such total amount may be increased, subject to the approval of the Director of the Bureau of the Budget, by transfers from other appropriations for the Military Establishment of such amounts as may be required in addition to those herein provided for travel in connection with development, procurement, production, maintenance, or construction activities; and, with such exception, no other appropriation in this Act shall be available for any expense for or incident to travel of personnel of the Regular Army or civilian employees under the War Department, except the appropriation "Contingencies of the Army" and the appropriations for Military Posts, the National Guard, the Organized Reserves, the Reserve Officers' Training Corps; Citizens' Military Training Camps, and the National Board for the Promotion of Rifle Practice, and except as may be provided for in the appropriations "Special Field Exercises" and "Air Corps, Army": *Provided*, That hereafter the expert accountant, Inspector General's Department, shall be entitled to the same travel allowances as other employees of the War Department: *Provided further*, That, in addition to the authority contained in section 67, National Defense Act of June 3, 1916, as amended, a total of not to exceed \$2,500 of the appropriations available to the War Department chargeable with expenses of travel shall be available for expenses incident to attendance at meetings of technical, professional, scientific, and other similar organizations, when, in the judgment of the Secretary of War, such attendance would be of benefit in the conduct of the work of the War Department: *Provided further*, That appropriations available for travel of personnel of the Military Establishment or employees under the War Department which are current at the date of relief from duty station of such personnel traveling under orders shall be charged with all expenses properly chargeable to such appropriations in connection with the travel enjoined, including travel of dependents and transportation of authorized baggage and household effects of such personnel, regardless of the dates of arrival at destination of the persons so traveling.

EXPENSES OF COURTS MARTIAL

Post, pp. 601, 967.

For expenses of courts martial, courts of inquiry, military commissions, retiring boards, and compensation of reporters and witnesses attending same, contract stenographic reporting services, and expenses of taking depositions and securing other evidence for use before the same, \$44,000.

Courts martial, expenses.

APPREHENSION OF DESERTERS, AND SO FORTH

Post, p. 601.

For the apprehension, securing, and delivering of soldiers absent without leave and of deserters, including escaped military prisoners, and the expenses incident to their pursuit; and no greater sum than \$25 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of \$10 to prisoner discharged otherwise than honorably upon his release from confinement under court-martial sentence involving dishonorable discharge, \$15,000.

Apprehension of deserters, etc.

FINANCE SERVICE

Post, pp. 601, 604, 967.

For compensation of clerks and other employees of the Finance Department, including not to exceed \$900 for any one person for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a), \$1,644,413.

Compensation of clerks, etc.

46 Stat. 818.

CLAIMS FOR DAMAGES TO AND LOSS OF PRIVATE PROPERTY

For payment of claims, including claims of military and civilian personnel in and under the War Department, not exceeding \$500 each in amount for damages to or loss of private property incident to the training, practice, operation, or maintenance of the Army that have accrued, or may hereafter accrue, from time to time, \$8,000: *Provided*, That settlement of such claims shall be made by the General Accounting Office, upon the approval and recommendation of the Secretary of War, where the amount of damages has been ascertained by the War Department, and payment thereof will be accepted by the owners of the property in full satisfaction of such damages.

Claims for damages, etc.

Proviso. Settlement.

CLAIMS OF OFFICERS, ENLISTED MEN, AND NURSES OF THE ARMY FOR DESTRUCTION OF PRIVATE PROPERTY

For the payment of claims of officers, enlisted men, and nurses of the Army for private property lost, destroyed, captured, abandoned, or damaged in the military service of the United States, under the provisions of an Act approved March 4, 1921 (31 U. S. C. 218-222), \$15,000.

Claims of Army officers, etc.

41 Stat. 1436.

QUARTERMASTER CORPS

Post, pp. 601, 872, 967, 1046.

Subsistence of the Army: Purchase of subsistence supplies: For issue as rations to troops, including retired enlisted men when ordered to active duty, civil employees when entitled thereto, hospital matrons, applicants for enlistment while held under observation, general prisoners of war, and general prisoners at posts; ice for issue to organizations of enlisted men and offices at such places as the Secretary of War may determine, and for preservation of stores; for the subsistence of the masters, officers, crews, and employees of the vessels of the Army Transport Service; meals for recruiting parties and applicants for enlistment while under observation; for sales to officers, including members of the Officers' Reserve Corps while on active duty, and

Subsistence of the Army.
Post, pp. 601, 967.

Army Transport Service.

Sales to officers, etc.

Allowances of commutation in lieu of rations.

Prizes, etc.

Subsistence supplies.

Propiso.
Butter substitutes, restriction.

Regular supplies of the Army.
Post, pp. 378, 601, 603, 872, 967.

Clothing and equipage.
Post, pp. 378, 601, 603, 872, 967, 970.

enlisted men of the Army. For payments: Of the regulation allowances of commutation in lieu of rations to enlisted men on furlough, and to enlisted men when stationed at places where rations in kind cannot be economically issued, including retired enlisted men when ordered to active duty. For payment of the regulation allowance of commutation in lieu of rations for enlisted men, applicants for enlistment while held under observation, civilian employees who are entitled to subsistence at public expense, and general prisoners while sick in hospitals, to be paid to the surgeon in charge; advertising; for providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed \$900 per annum; and for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; in all, \$45,639,198: *Provided*, That none of the money appropriated in this Act shall be used for the purchase of oleomargarine or butter substitutes for other than cooking purposes, except to supply an expressed preference therefor or for use where climatic or other conditions render the use of butter impracticable.

Regular supplies of the Army: Regular supplies of the Quartermaster Corps, including their care and protection; field ranges, field stoves for cooking food, coffee roasters, field bakery equipment, and appliances for cooking and serving food at posts (except fixed installations in buildings), in the field and when traveling, and repair and maintenance of such equipment; authorized issues of candles and matches; authorized issues of soap, toilet paper, and towels; for the necessary furniture, textbooks, paper, and equipment for the post schools and libraries, and for schools for noncommissioned officers; for the purchase and issue of instruments, office furniture, stationery, and other authorized articles for the use of officers' schools at the several military posts; for purchase of commercial newspapers, periodicals, market reports, technical books, and so forth; for equipment and furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; for forage, salt, and vinegar for the horses, mules, oxen, and other draft and riding animals of the Quartermaster Corps at the several posts and stations and with the armies in the field, for the horses of the several regiments of Cavalry and batteries of Artillery and such companies of Infantry and Scouts as may be mounted, and for remounts and for the authorized number of officers' horses, including bedding for the animals; for seeds and implements required for the raising of forage at remount depots and on military reservations in the Hawaiian, Philippine, and Panama Canal Departments, and for labor and expenses incident thereto, including, when specifically authorized by the Secretary of War, the cost of irrigation; for the purchase of implements and hire of labor for harvesting hay on military reservations; for straw for soldiers' bedding, stationery, typewriters and exchange of same, including blankbooks and blank forms for the Army, certificates for discharged soldiers, and for printing department orders and reports, \$8,052,471.

Clothing and equipage: For cloth, woolens, materials, and for the purchase and manufacture of clothing for the Army, including retired enlisted men when ordered to active duty for issue and for sale; for payment of commutation of clothing due to warrant officers of the mine-planter service and to enlisted men; for altering and fitting clothing and washing and cleaning when necessary; for operation of laundries, existing or now under construction, including purchase and repair of laundry machinery therefor; for the authorized issues of laundry materials for use of general prisoners confined at

military posts without pay or allowances, and for applicants for enlistment while held under observation; for equipment and repair of equipment of existing dry-cleaning plants, salvage and sorting storehouses, hat-repairing shops, shoe-repair shops, clothing-repair shops, and garbage-reduction works; for equipage, including authorized issues of toilet articles, barbers' and tailors' material, for use of general prisoners confined at military posts without pay or allowances and applicants for enlistment while held under observation; issue of toilet kits to recruits upon their first enlistment; for expenses of packing and handling and similar necessities; for a suit of citizen's outer clothing and when necessary an overcoat, the cost of all not to exceed \$30, to be issued each soldier discharged otherwise than honorably, to each enlisted man convicted by civil court for an offense resulting in confinement in a penitentiary or other civil prison, and to each enlisted man ordered interned by reason of the fact that he is an alien enemy, or, for the same reason, discharged without internment; for indemnity to officers and men of the Army for clothing and bedding, and so forth, destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, \$75,004,376, of which amount not exceeding \$60,000 shall be available immediately for the procurement and transportation of fuel for the service of the fiscal year 1941: *Provided*, That laundry charges, other than for service now rendered without charge, shall be so adjusted that earnings in conjunction with the value placed upon service rendered without charge shall aggregate an amount not less than \$50,000 below the cost of maintaining and operating laundries and dry-cleaning plants.

Incidental expenses of the Army: Postage; hire of laborers in the Quartermaster Corps, including the care of officers' mounts when the same are furnished by the Government; compensation of clerks and other employees of the Quartermaster Corps, including not to exceed \$900 for any one person for allowances for living quarters, including heat, fuel, and light, as authorized by the Act of June 26, 1930 (5 U. S. C. 118a), and clerks, foremen, watchmen, and organist for the United States Disciplinary Barracks; incidental expenses of recruiting; not to exceed \$5,000 for activities of chaplains (excluding ritual garments and personal services); for the operation of coffee-roasting plants; for the payment of entrance fees for Army rifle and pistol teams participating in competitions; for tests and experimental and development work and scientific research to be performed by the Bureau of Standards for the Quartermaster Corps; for inspection service and instruction furnished by the Department of Agriculture which may be transferred in advance; for such additional expenditures as are necessary and authorized by law in the movements and operation of the Army and at military posts, and not expressly assigned to any other departments, \$5,011,683.

Army transportation: For transportation of Army supplies; of authorized baggage (including baggage of retired officers ordered to active duty or upon relief therefrom), including packing and crating; of horse equipment; and of funds for the Army; for transportation on Army vessels, notwithstanding the provisions of other law, of privately owned automobiles of Regular Army personnel upon change of station; for the purchase or construction, not to exceed \$9,500,000, alteration, operation, and repair of boats and other vessels; for wharfage, tolls, and ferriage; for drayage and cartage; for the purchase, manufacture (including both material and labor), maintenance, hire, and repair of pack saddles and harness; for the purchase, hire, operation, maintenance, and repair of wagons, carts, drays, other vehicles, and horse-drawn and motor-propelled passenger-carrying vehicles required for the transportation of troops and

Amount immediately available.

Proviso.
Laundry charges.

Incidental expenses of the Army.
Post, pp. 601, 967, 970.

46 Stat. 818.
Recruiting.

Tests, research, etc.

Army transportation.
Post, pp. 378, 601, 603, 872, 967, 970.

Privately owned automobiles.

Boats, etc.

Vehicles.

National Guard,
travel allowances.

31 Stat. 902.

42 Stat. 1021.

Fuel and vehicles,
amount immediately
available.

Provisos.
Passenger automo-
biles.

Ambulances, etc.

Restriction on use of
funds; salvaging.

Exceptions.

Transportation
costs, supplies, equip-
ment, etc.

supplies and for official military and garrison purposes; for hire of draft and pack animals; for travel allowances to officers of National Guard on discharge from Federal service as prescribed in the Act of March 2, 1901 (10 U. S. C. 751), and to enlisted men of National Guard on discharge from Federal service, as prescribed in amendatory Act of September 22, 1922 (10 U. S. C. 752), and to members of the National Guard who have been mustered into Federal service and discharged on account of disability; in all, \$64,999,664, of which amount not exceeding \$250,000 for the procurement and transportation of fuel for the service of the fiscal year 1941, and not exceeding \$15,000,000 for the procurement of motor vehicles, shall be available immediately: *Provided*, That not to exceed \$1,000,000 may be expended for the purchase of light and medium passenger-carrying automobiles at a unit cost of not to exceed \$750 for light automobiles and \$1,200 for medium automobiles, including the value of any vehicle exchanged, and not to exceed \$5,000,000 may be expended for the purchase or exchange of motor-propelled ambulances, and trucks of station-wagon type: *Provided further*, That no appropriation contained in this Act shall be available for any expense of any character, other than as may be incident to salvaging or scrapping, on account of any motor-propelled vehicle procured prior to January 1, 1920, except tanks, tractors, ambulances, fire trucks, searchlight trucks, three hundred and ninety modernized class B trucks, and vehicles in use by Reserve Officers' Training Corps units on February 19, 1935: *Provided further*, That during the fiscal year 1941 the cost of transportation from point of origin to the first point of storage or consumption of supplies, equipment, and material in connection with the manufacturing and purchasing activities of the Quartermaster Corps may be charged to the appropriations from which such supplies, equipment, and material are procured.

Post, pp. 601, 872,
967.

Horses, draft and
pack animals, pur-
chase.

Encouragement of
breeding of riding
horses.

HORSES, DRAFT AND PACK ANIMALS

For the purchase of draft and pack animals and horses within limits as to age, sex, and size to be prescribed by the Secretary of War for remounts for officers entitled to public mounts, for the United States Military Academy, and for such organizations and members of the military service as may be required to be mounted, and for all expenses incident to such purchases (including \$81,750 for encouragement of the breeding of riding horses suitable for the Army, in cooperation with the Bureau of Animal Industry, Department of Agriculture, including the purchase of animals for breeding purposes and their maintenance), \$782,490.

Post, pp. 602, 704,
705, 873, 953, 967.

Construction, etc.

MILITARY POSTS

Technical and pro-
fessional personnel.

For construction and installation of buildings, flying fields, and appurtenances thereto, including interior facilities, fixed equipment, necessary services, roads, connections to water, sewer, gas, and electric mains, purchase and installation of telephone and radio equipment, and similar improvements, and procurement of transportation incident thereto, without reference to sections 1136 and 3734, Revised Statutes (10 U. S. C. 1339; 40 U. S. C. 267); general overhead expenses of transportation, engineering, supplies, inspection and supervision, and such services as may be necessary in the office of the Quartermaster General; and the engagement by contract or otherwise without regard to section 3709, Revised Statutes (41 U. S. C. 5), and at such rates of compensation as the Secretary of War may determine, of the services of architects or firms or corporations thereof and other technical and professional personnel as may be

necessary; \$90,310,785, to remain available until expended, and, in addition, authority is hereby given to enter into contracts, prior to July 1, 1941, for the same purposes to an amount not in excess of \$6,000,000: *Provided*, That the foregoing appropriation and contract authorization shall be applied as follows: For work authorized by the Act of July 14, 1939 (53 Stat. 1003), Carlisle Barracks, Pennsylvania, \$375,000; for work authorized by the Act of June 20, 1939 (53 Stat. 842-843), at Fort Niagara, New York, \$60,000; for work authorized by the Act of August 26, 1937 (50 Stat. 857-862): At Fort Shafter, Hawaii, \$890,000; Schofield Barracks, Hawaii, \$1,264,200; Fort MacArthur, California, \$134,500; Corozal General Depot, Canal Zone, \$427,300; Fort Crook, Nebraska, \$55,000; Fort Huachuca, Arizona, \$225,000; for work authorized by the Act of June 4, 1936 (49 Stat. 1462), at Edgewood Arsenal, Maryland, \$918,988; for work authorized by the Act of August 12, 1935 (49 Stat. 610-611): At Albright Field, Canal Zone, \$350,000; Chanute Field, Illinois, \$669,400; Brooks Field, Texas, \$708,000; Eglin Field, Florida, \$250,000; Marshall Field, Kansas, \$249,400; Godman Field, Kentucky, \$740,000; Pope Field, North Carolina, \$90,000; Lowry Field, Colorado, \$350,000; Kelly Field, Texas, \$990,000; Langley Field, Virginia, \$220,000; Hamilton Field, California, \$150,000; Patterson Field, Ohio, \$193,000; Barksdale Field, Louisiana, \$204,400; McChord Field, Washington, \$134,000; Mitchel Field, New York, \$57,000; Bolling Field, District of Columbia, \$100,000; Selfridge Field, Michigan, \$50,300; March Field, California, \$86,000; Southeast Air Base, Florida, \$848,400; Wright Field, Ohio, \$1,840,000; Patterson Field, Ohio, \$130,000; Alaska Air Base, \$12,104,060; Albright Field, Panama Canal Zone, \$1,000,000; aircraft warning service, Panama Canal Zone, \$134,375; and gasoline and bomb storage at Panama Canal Zone, \$1,050,000, Puerto Rico, \$1,201,500, Alaska, \$630,000, and Hawaii, \$454,000; emergency construction, \$47,976,962, including the acquisition of necessary land therefor, without regard to the provisions of sections 355 and 1136, Revised Statutes, as amended (10 U. S. C. 1339; 40 U. S. C. 255); and for payments under contracts authorized in the Supplemental Military Appropriation Act, 1940, and the Third Deficiency Appropriation Act, fiscal year 1939, \$19,000,000.

ACQUISITION OF LAND

Acquisition of land, Mojave Desert, California: For the acquisition of land for an antiaircraft firing range, Mojave Desert, north of Barstow and Baker, California, seven hundred and forty-nine thousand four hundred and forty acres, more or less, as authorized by the Act of July 26, 1939 (53 Stat. 1123), \$249,000, to remain available until July 1, 1942.

For the acquisition of land, as authorized by the Act of August 12, 1935 (49 Stat. 610), as follows: Wright Field, Ohio, \$392,000; Puerto Rican Department, \$140,000; in vicinity of Anchorage, Alaska, \$85,000; in all, \$617,000, to remain available until July 1, 1942.

Toward the acquisition of land, as authorized by the Act of July 26, 1939 (53 Stat. 1123), as follows: Fort Bliss, Texas (estimated to cost \$800,000), \$500,000; Fort Meade, South Dakota, \$30,720; Fort Dix, New Jersey, \$21,000; in all, \$551,720, to remain available until July 1, 1942.

Toward the acquisition of land at Fort Devens, Massachusetts, \$386,667; Fort Ethan Allen, Vermont, \$120,000, as authorized by the Act of July 26, 1939 (53 Stat. 1123), to remain available until July 1, 1942.

Availability.
Contracts authorized.

Proviso.
Application of funds to designated works.

10 U. S. C., Supp.
V, §§ 1343a-1343d.

53 Stat. 994, 1327.

Post, pp. 602, 705,
873, 958.

Acquisition of land;
availability of funds.

10 U. S. C., Supp.
V, §§ 1343a-1343d.

Toward the acquisition of land at Fort Knox, Kentucky, as authorized by the Act of July 26, 1939 (53 Stat. 1123) (estimated to cost \$1,640,000), \$666,667, to remain available until July 1, 1942.

40 Stat. 241.

For the acquisition of land for Utah General Depot, as authorized by the Act of July 2, 1917, as amended (50 U. S. C. 171), \$213,000, to remain available until June 30, 1942.

40 Stat. 241.

For the acquisition of land for the Fort Sill Military Reservation, Oklahoma, as authorized by the Act of July 2, 1917, as amended (50 U. S. C. 171), \$205,000, to remain available until June 30, 1942.

Post, pp. 602, 968,
1046.

BARRACKS AND QUARTERS AND OTHER BUILDINGS AND UTILITIES

Construction, etc.,
of buildings.

For all expenses incident to the construction, installation, operation, and maintenance of buildings, utilities, appurtenances, and accessories necessary for the shelter, protection, and accommodation of the Army and its personnel and property, where not specifically provided for in other appropriations, including personal services, purchase and repair of furniture for quarters for officers, warrant officers, and noncommissioned officers, and officers' messes and wall lockers and refrigerators for Government-owned buildings as may be approved by the Secretary of War, care and improvement of grounds, flooring and framing for tents, rental of buildings, including not to exceed \$900 in the District of Columbia, provided space is not available in Government-owned buildings, and grounds for military purposes, lodgings for recruits and applicants for enlistment, water supply, sewer and fire-alarm systems, fire apparatus, roads, walks, wharves, drainage, dredging channels, purchase of water, disposal of sewage, shooting galleries, ranges for small-arms target practice, field, mobile, and railway artillery practice, including flour for paste for marking targets, such ranges and galleries to be open as far as practicable to the National Guard and organized rifle clubs under regulations to be prescribed by the Secretary of War; warehouse and fuel handling equipment; stoves required for use of the Army for heating offices, hospitals, barracks, quarters, recruiting stations, and United States disciplinary barracks, also ranges and stoves for cooking food at posts, for post bakery and bake-oven equipment and apparatus and appliances for cooking and serving food when constituting fixed installations in buildings, including maintenance and repair of such heating and cooking appliances; for furnishing heat and light for the authorized allowance of quarters for officers, enlisted men, and warrant officers, including retired enlisted men when ordered to active duty, contract surgeons when stationed at and occupying public quarters at military posts, officers of the National Guard attending service and garrison schools, and for recruits, guards, hospitals, storehouses, offices, the buildings erected at private cost, in the operation of the Act approved May 31, 1902 (10 U. S. C. 1346), and buildings for a similar purpose on military reservations authorized by War Department regulations; for sale of fuel to officers; fuel and engine supplies required in the operation of modern batteries at established posts, \$19,534,053, of which amount \$2,500,000 shall be available immediately for the procurement and transportation of fuel for the service of the fiscal year 1941: *Provided*, That the amounts to be assessed and collected by the Secretary of War for expenditure for maintenance purposes at Fort Monroe, Virginia, under the provisions of the Act of August 1, 1894 (28 Stat. 212), shall be \$13,520 for wharf and \$5,053 for roads and sewerage system: *Provided further*, That this appropriation shall be available for the rental of offices, garages, and stables

Rentals.

Target practice, etc.

Heat, light, etc.

Buildings erected at
private cost.
32 Stat. 282.

Fuel, engine sup-
plies, etc.

Provisos.
Fort Monroe, Va.,
wharf, etc.

Military attachés,
rental of offices, etc.

for military attachés: *Provided further*, That no part of the funds herein appropriated shall be available for construction of a permanent nature of an additional building or an extension or addition to an existing building, the cost of which in any case exceeds \$20,000: *Provided further*, That the monthly rental rate to be paid out of this appropriation for stabling any animal shall not exceed \$15.

Construction, limitation on cost.

Stabling, rental rate.

CONSTRUCTION AND REPAIR OF HOSPITALS

Post, pp. 602, 968.

For construction and repair of hospitals at military posts already established and occupied, including all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Arkansas, and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, and for temporary hospitals in standing camps and cantonments; for the alteration of permanent buildings at posts for use as hospitals, construction and repair of temporary hospital buildings at permanent posts, construction and repair of temporary general hospitals, rental or purchase of grounds, and rental and alteration of buildings for use for hospital purposes in the District of Columbia and elsewhere, including necessary temporary quarters for hospital personnel, outbuildings, heating and laundry apparatus, plumbing, water and sewers, and electric work, cooking apparatus, and roads and walks for the same, \$780,909.

Construction and repair of hospitals.

Temporary hospitals.

ARMY MEDICAL LIBRARY AND MUSEUM BUILDING

Post, p. 656.

For personal services and other necessary expenses incident to designing and preparing working drawings and specifications of a building to replace the present Army Medical Library and Museum, as authorized by the Act of June 15, 1938 (52 Stat. 684), \$130,000.

Replacement of present building.

The appropriations contained in this Act which are available for the procurement or manufacture of munitions of war of special or technical design may be used for the development and procurement of gages, dies, jigs, and other special aids and appliances, production studies, factory plans, and other production data, including specifications and detailed drawings, in accordance with the provisions of sections 120 and 123 of the National Defense Act, as amended. Such appropriations may also be used for the purchase of letters patent, applications for letters patent, and licenses under letters patent and applications for letters patent that pertain to such equipment or material for which the appropriations are made.

Gages, dies, jigs, etc., funds available.

39 Stat. 213, 215.
50 U. S. C. §§ 80, 78.
Purchase, etc., of letters patent.

SIGNAL CORPS

Post, pp. 602, 873, 968.

SIGNAL SERVICE OF THE ARMY

Post, pp. 602, 603, 873, 968.

Purchase, equipment, operation, and repair of military telegraph, telephone, radio cable, and signaling systems; signal equipment and stores, heliographs, signal lanterns, flags, and other necessary instruments; wind vanes, barometers, anemometers, thermometers, and other meteorological instruments; photographic and cinematographic work performed for the Army by the Signal Corps; motorcycles, motor-driven and other vehicles for technical and official purposes in connection with the construction, operation, and maintenance of communication or signaling systems, and supplies for their operation and maintenance; professional and scientific books of reference, pamphlets, periodicals, newspapers, and maps for use of the Signal Corps and in the office of the Chief Signal Officer; telephone apparatus, including rental and payment for commercial, exchange, message,

Telegraph, etc., systems.

Vehicles.

Telephone apparatus, etc.

<p>Exceptions.</p> <p>Rental of lines, etc.</p> <p>Electrical installations.</p> <p>Civilian employees.</p> <p>Experimental investigation, etc.</p> <p>Aircraft warning service systems.</p> <p>Payments under contracts.</p> <p>53 Stat. 904.</p> <p>Contracts authorized.</p>	<p>trunk-line, long-distance, and leased-line telephone service at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, excepting the local telephone service for the various bureaus of the War Department in the District of Columbia, and toll messages pertaining to the office of the Secretary of War; electric time service; the rental of commercial telegraph lines and equipment, and their operation at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, including payment for official individual telegraph messages transmitted over commercial lines; electrical installations and maintenance thereof at military posts, cantonments, camps, and stations of the Army, fire control and direction apparatus, and matériel for Field Artillery; salaries of civilian employees, including those necessary as instructors at vocational schools; supplies, general repairs, reserve supplies, and other expenses connected with the collecting and transmitting of information for the Army by telegraph or otherwise; experimental investigation, research, purchase, and development, or improvements in apparatus, and maintenance of signaling and accessories thereto, including machines, instruments, and other equipment for laboratory and repair purposes; lease, alteration, and repair of such buildings required for storing or guarding Signal Corps supplies, equipment, and personnel when not otherwise provided for, including the land therefor, the introduction of water, electric light and power, sewerage, grading, roads and walks, and other equipment required; for all expenses incident to the preparation of plans, and construction, purchase, installation, equipment, maintenance, repair, and operation of aircraft warning service systems, and their accessories, including purchase of lands and rights-of-way, acquisition of leaseholds and other interests therein, and temporary use thereof, \$49,690,649, of which not to exceed \$1,160,000 shall be available for payments under contracts for the procurement of aircraft-communication equipment and ground radio and telephone facilities under the authorization contained in the Supplemental Military Appropriation Act, 1940, and in addition, the Chief Signal Officer, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$1,700,000 for the procurement of Signal Corps equipment.</p>
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Post, pp. 602, 873, 968.

Post, pp. 602, 603, 873, 968, 970.

Instruction, etc., expenses.

Aircraft operation, etc.

Photographic supplies.

Helium gas.

Post, p. 443.

AIR CORPS

AIR CORPS, ARMY

For creating, maintaining, and operating at established flying schools and balloon schools courses of instruction for officers, students, and enlisted men, including cost of equipment and supplies necessary for instruction, purchase of tools, equipment, materials, machines, textbooks, books of reference, scientific and professional papers, instruments, and materials for theoretical and practical instruction; for maintenance, repair, storage, and operation of airships, war balloons, and other aerial machines, including instruments, materials, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith and the establishment of landing and takeoff runways; for purchase of supplies for securing, developing, printing, and reproducing photographs in connection with aerial photography; improvement, equipment, maintenance, and operation of plants for testing and experimental work, and procuring and

introducing water, electric light and power, gas, and sewerage, including maintenance, operation, and repair of such utilities at such plants, for the procurement of helium gas; for travel of officers and enlisted men of the Air Corps by air in connection with the administration of this appropriation, including the transportation of new aircraft from factory to first destination; salaries and wages of civilian employees as may be necessary; transportation of materials in connection with consolidation of Air Corps activities; experimental investigations and purchase and development of new types of airplanes, autogiros, and balloons, accessories thereto, and aviation engines, including plans, drawings, and specifications thereof; for the purchase, manufacture, and construction of airplanes and balloons, including instruments and appliances of every sort and description necessary for the operation, construction (airplanes and balloons), or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith; or the marking of military airways where the purchase of land is not involved; for the purchase, manufacture, and issue of special clothing, wearing apparel, and similar equipment for aviation purposes; for all necessary expenses connected with the sale or disposal of surplus of obsolete aeronautical equipment, and the rental of buildings, and other facilities for the handling or storage of such equipment; for the rental of office space and other facilities in connection with Air Corps procurement activities; for the services of not more than four consulting engineers at experimental stations of the Air Corps as the Secretary of War may deem necessary, at rates of pay to be fixed by him not to exceed \$50 a day for not exceeding fifty days each and necessary traveling expenses; purchase of special apparatus and appliances, repairs, and replacements of same used in connection with special scientific medical research in the Air Corps; for maintenance and operation of such Air Corps printing plants outside of the District of Columbia as may be authorized in accordance with law; for publications, station libraries, special furniture, supplies and equipment for offices, shops, and laboratories; for special services, including the salvaging of wrecked aircraft; for settlement of claims (not exceeding \$250 each) for damage to persons and private property resulting from the operation of aircraft at home and abroad when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer of the nearest aviation post and approved by the Chief of Air Corps and the Secretary of War, \$265,886,418, of which \$3,300,000 shall be available under the appropriation "Air Corps, Army, 1939", and \$76,205,988 shall be available under the appropriation "Air Corps, Army, 1940", for payments under contracts for the procurement of new airplanes and of equipment, spare parts, and accessories for airplanes, as authorized by said appropriations: *Provided*, That \$10,000 shall be transferred to and made available to the Bureau of Mines on July 1, 1940, for supplying helium: *Provided further*, That in addition to the amounts herein appropriated the Chief of the Air Corps, when authorized by the Secretary of War, may enter into contracts between the date of the approval of this Act and July 1, 1941, for the procurement of new airplanes and for the procurement of equipment, spare parts, and accessories for airplanes to an amount not in excess of \$103,300,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof: *Provided further*, That of the amount herein appropriated and the amount herein authorized for contractual obligation not less than \$123,741,994 shall be applied to the procurement of new airplanes and their equipment and accessories, of which

Civilian employees.

Development of new types of aircraft.

Purchase, construction, etc., of aircraft.

Marking of military airways.

Sale of surplus, etc., aeronautical equipment, expenses.

Consulting engineers.

Printing plants.

Settlement of claims.

Payments under contracts.
52 Stat. 654.
53 Stat. 605.
Post, p. 968.

Provisos.
Helium.
Post, p. 443.
New airplanes, equipment, etc., contracts.

Procurement.

Combat airplanes.

Waiving of limitation.

53 Stat. 555.
10 U. S. C., Supp. V, § 292b.

Restriction on use of funds for Crissy Field, Calif.

Sums available for incurred obligations.
49 Stat. 133, 1290;
50 Stat. 455.

amount of \$123,741,994 not less than \$82,661,994 shall be applied to the procurement of combat airplanes and their equipment and accessories and \$3,919,718 shall be available immediately: *Provided further*, That this appropriation may be expended without reference to the limitation contained in section 1 of the Act approved April 3, 1939 (Public, Numbered 18, Seventy-sixth Congress), as to the number of airplanes to be procured and maintained: *Provided further*, That no part of this or any other appropriation contained in this Act shall be available for any expense incident to the use of Crissy Field, California, as an air station: *Provided further*, That the sum of \$60,775 of the appropriation for Air Corps, Army, fiscal year 1936, the sum of \$30,000 of the appropriation for Air Corps, Army, fiscal year 1937, and the sum of \$1,884,031 of the appropriation for Air Corps, Army, fiscal year 1938, shall remain available until June 30, 1941, for the payment of obligations incurred under contracts executed prior to July 1, 1938.

Post, pp. 602, 873, 969.

MEDICAL DEPARTMENT

ARMY

MEDICAL AND HOSPITAL DEPARTMENT

Post, pp. 378, 602, 603, 873, 969.

Supplies, etc.

Care, etc., in private hospitals.

Proviso.
If on furlough, etc.

Epidemic and contagious diseases.

Insane Filipino soldiers.
35 Stat. 122.

Pay of nurses, cooks, and other civilians.

Civilian physicians.

Army and Navy Hospital, Hot Springs, Ark.

For the manufacture and purchase of medical and hospital supplies, including disinfectants, for military posts, camps, hospitals, hospital ships and transports, for laundry work for enlisted men and Army nurses while patients in a hospital, and supplies required for mosquito destruction in and about military posts in the Canal Zone; for the purchase of veterinary supplies and hire of veterinary surgeons; for expenses of medical supply depots; for medical care and treatment of patients, including supernumeraries, not otherwise provided for, including care and subsistence in private hospitals of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract: *Provided*, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furloughs or leaves of absence in excess of twenty-four hours; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for for bedding and clothing injured or destroyed in such prevention; for the care of insane Filipino soldiers in conformity with the Act of Congress approved May 11, 1908 (24 U. S. C. 198); for the pay of male and female nurses, not including the Army Nurse Corps, and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignments, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the enlisted force of the Medical Department; for the supply of Army and Navy Hospital at Hot Springs, Arkansas; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, \$6,875,978.

HOSPITAL CARE, CANAL ZONE GARRISONS

For paying the Panama Canal such reasonable charges, exclusive of subsistence, as may be approved by the Secretary of War for caring in its hospitals for officers, enlisted men, military prisoners, and civilian employees of the Army admitted thereto upon the request of proper military authority, \$80,000: *Provided*, That the subsistence of the said patients, except commissioned officers, shall be paid to said hospitals out of the appropriation for subsistence of the Army at the rates provided therein for commutation of rations for enlisted patients in general hospitals.

Hospital care, Canal Zone garrisons.

Proriso.
Subsistence pay-
ments.

CORPS OF ENGINEERS

ENGINEER SERVICE, ARMY

For the design, development, procurement, maintenance, alteration, repair, installation, storage, and issue of engineer equipment, instruments, appliances, supplies, materials, tools, and machinery required in the equipment and training of troops and in military operations, including military surveys and the Engineer School; for the operation and maintenance of the Engineer School, including (a) compensation of civilian lecturers, and (b) purchase and binding of scientific and professional books, pamphlets, papers, and periodicals; for the procurement, preparation, and reproduction of maps and similar data for military purposes; for expenses incident to the Engineer service in military operations, including military surveys, and including (a) research and development of improved methods in such operations, (b) the rental of storehouses and grounds within and outside the District of Columbia, and (c) repair and alteration of buildings; for heat, light, power, water, and communication service, not otherwise provided for; and for the compensation of employees required in these activities, \$21,565,263, of which amount not to exceed \$1,000,000 shall be available for payments under contracts for the procurement of Engineer equipment under the authorization contained in the Second Deficiency Appropriation Act, fiscal year 1939.

Post, pp. 602, 873, 875, 969.

Post, pp. 378, 602, 603, 873, 969, 970.

Equipment, instru-
ments, etc.

Engineer School,
maintenance, etc.

Maps, surveys, etc.

Rentals.

Operating, etc., ex-
penses.

Payments under
contracts.

53 Stat. 643.

ORDNANCE DEPARTMENT

ORDNANCE SERVICE AND SUPPLIES, ARMY

For manufacture, procurement, storage, and issue, including research, planning, design, development, inspection, test, alteration, maintenance, repair, and handling of ordnance material, together with the machinery, supplies, and services necessary thereto; for supplies and services in connection with the general work of the Ordnance Department, comprising police and office duties, rents, tolls, fuel, light, water, advertising, stationery, typewriting and computing machines, including their exchange, and furniture, tools, and instruments of service; to provide for training and other incidental expenses of the ordnance service; for instruction purposes, other than tuition; for the purchase, completely equipped, of plant vehicles, including trucks, ambulances, and station wagons, and for maintenance, repair, and operation of motor-propelled and horse-drawn freight and passenger-carrying vehicles; for ammunition for military salutes at Government establishments and institutions to which the issues of arms for salutes are authorized; for services, material, tools, and appliances for operation of the testing machines and chemical laboratory in connection therewith; for publications for libraries of the Ordnance Department, including the Ordnance Office, including

Post, pp. 602, 874, 969.

Post, pp. 378, 602, 603, 874, 969, 970.

Manufacture, issue,
etc.

Contingent ex-
penses.

Vehicles.

Ammunition for
military salutes.

Libraries of Ord-
nance Department.

Consulting engi-
neers.

Payments under
contracts.

53 Stat. 643, 608, 995.

Contracts author-
ized.

Proviso.
Reserve officers,
etc., to active duty.

subscriptions to periodicals; for services of not more than four consulting engineers as the Secretary of War may deem necessary, at rates of pay to be fixed by him not to exceed \$50 per day for not exceeding fifty days each, and for their necessary traveling expenses, \$302,422,312, of which not to exceed \$46,000,000 shall be available for payments under contracts for the procurement or production of ordnance matériel, machinery, and supplies under the authorizations contained in the Second Deficiency Appropriation Act, fiscal year 1939, the Military Appropriation Act, 1940, and the Supplemental Military Appropriation Act, 1940; also, in addition, the Chief of Ordnance, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, for the procurement or production of ordnance matériel, machinery, and supplies to an amount not in excess of \$133,774,679, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof: *Provided*, That the President may, with their consent, order Ordnance Reserve Officers and Specialist Reserve Officers assigned to the Ordnance Department to active duty for such periods as may be necessary to carry out the purposes of this appropriation, and the pay and allowances of such officers while so assigned shall be charged to this appropriation.

ROCK ISLAND BRIDGE, ROCK ISLAND, ILLINOIS

Operating bridges,
etc.

For operating, repair, and preservation of Rock Island bridges and viaduct, and maintenance and repair of the arsenal street connecting the bridges, \$32,835.

REPAIRS OF ARSENALS

Repairs of arsenals.

For repairs and improvements of ordnance establishments, and to meet such unforeseen expenditures as accidents or other contingencies may require, \$3,776,541.

Post, pp. 378, 602,
603, 874, 969.

Gases, gas masks,
etc.

CHEMICAL WARFARE SERVICE

Part-time employ-
ment of scientists, etc.

Construction, etc.,
of buildings.

Special gas troops;
training Army in
chemical warfare.

Projectile filling
plants, etc.

For purchase, manufacture, and test of chemical warfare gases or other toxic substances, gas masks, or other offensive or defensive materials or appliances required for gas-warfare purposes; investigations, research, design, experimentation, and operation, purchase of chemicals, special scientific and technical apparatus and instruments, including services connected therewith; for the payment of part-time or intermittent employment of such scientists and technicians as may be contracted for by the Secretary of War, in his discretion, at a rate of pay not exceeding \$20 per diem for any person so employed; for the purchase, maintenance, repair, and operation of freight- and passenger-carrying motor vehicles; construction, maintenance, and repair of plants, buildings, and equipment, and the machinery therefor; receiving, storing, and issuing of supplies, comprising police and office duties, rents, tolls, fuels, gasoline, lubricants, paints and oils, rope and cordage, light, water, advertising, stationery, type-writing and adding machines including their exchange, office furniture, tools, and instruments; for incidental expenses; for civilian employees; for libraries of the Chemical Warfare Service and subscriptions to periodicals; for expenses incidental to the organization, training, and equipment of special gas troops not otherwise provided for, including the training of the Army in chemical warfare, both offensive and defensive, together with the necessary schools, tactical demonstrations, and maneuvers; for current expenses of chemical projectile filling plants and proving grounds, including construction and maintenance of rail transportation, repairs, alterations, acces-

sories, building and repairing butts and targets, clearing and grading ranges, \$24,713,053, of which amount not to exceed \$740,000 shall be available for payments under contracts for the procurement of chemical warfare equipment under the authorization contained in the Second Deficiency Appropriation Act, fiscal year 1939: *Provided*, That in addition to the amount herein appropriated, the Chief of Chemical Warfare Service, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, for the procurement of chemical warfare equipment to an amount not in excess of \$2,036,910, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof.

Payments under contracts.

53 Stat. 643.
Proviso.
Contracts authorized.

CHIEF OF INFANTRY

Post, p. 969.

INFANTRY SCHOOL, FORT BENNING, GEORGIA

Post, p. 969.

For the procurement of books, publications, instruments, and materials, pay of employees, and other necessary expenses for instruction at the Infantry School, \$62,268.

Instruction expenses.

CHIEF OF CAVALRY

Post, p. 969.

INSTRUCTION IN CAVALRY ACTIVITIES

Post, p. 969.

For the purchase of textbooks, books of reference, scientific and professional papers, instruments, and materials for instruction; employment of temporary, technical, special, and clerical services; and for other necessary expenses of instruction at the Cavalry School, Fort Riley, Kansas; and for the instruction of the Army in cavalry activities, \$29,040.

Instruction expenses.

CHIEF OF FIELD ARTILLERY

Post, p. 969.

INSTRUCTION IN FIELD ARTILLERY ACTIVITIES

Post, p. 969.

For the pay of employees; the purchase of books, pamphlets, periodicals, and newspapers; procurement of supplies, materials, and equipment for instruction purposes; and other expenses necessary in the operation of the Field Artillery School of the Army, and for the instruction of the Army in Field Artillery activities, \$28,650.

Instruction expenses.

CHIEF OF COAST ARTILLERY

Post, p. 969.

COAST ARTILLERY SCHOOL, FORT MONROE, VIRGINIA

Post, p. 969.

For purchase of engines, generators, motors, machines, measuring and laboratory instruments, special apparatus, and materials; for purchase and binding of professional books; for newspapers and periodicals; for incidental expenses; for pay of employees; for office furniture and fixtures; for maintenance, operation, and repair of motor vehicles; and unforeseen expenses; in all, \$30,955.

Instruction expenses.

SEACOAST DEFENSES

Post, pp. 378, 602, 603, 874, 969.

Expenses.

For all expenses incident to the preparation of plans and the construction, purchase, installation, equipment, maintenance, repair, and operation of fortifications and other works of defense, and their accessories, including personal services, ammunition storage, maintenance of channels to submarine-mine wharves, purchase of lands and rights-of-way as authorized by law, acquisition of leaseholds and other interests therein, and temporary use thereof, and payments for leasehold interests may be made in advance for the entire term

Leaseholds, etc.

31 U. S. C. § 529.	notwithstanding the provisions of section 3648, Revised Statutes, and for experimental, test, and development work, as follows:
United States.	United States, \$16,684,794, of which \$9,784,779 shall be available until expended;
Insular departments.	Insular departments, \$3,084,013, of which \$438,693 shall be available until expended;
Panama Canal.	Panama Canal, \$9,733,716, of which \$6,827,633 shall be available until expended;
Payments under contracts.	In all, \$29,502,523, of which not to exceed \$1,061,000 shall be available for payments under contracts for procurement of equipment for seacoast defenses under the authorization contained in the Second Deficiency Appropriation Act, fiscal year 1939, as follows:
53 Stat. 641.	United States, \$591,000; Insular Departments, \$339,000; Panama Canal, \$131,000; and in addition, when authorized by the Secretary of War, contracts may be entered into prior to July 1, 1941, for the procurement and installation of equipment for seacoast defenses as follows:
Contracts authorized.	United States, \$5,639,726; Insular Departments, \$384,975; Panama Canal, \$4,393,346; In all, \$10,418,047.

UNITED STATES MILITARY ACADEMY

PAY OF MILITARY ACADEMY

Cadets. <i>Provisos.</i> Academy detail, pay restriction.	Cadets: For pay of cadets, \$1,375,920: <i>Provided</i> , That during the fiscal year ending June 30, 1941, no officer of the Army shall be entitled to receive any increase in pay or allowances because of detail or assignment to duty in any capacity at the Military Academy:
Retired officer as librarian.	<i>Provided further</i> , That the duties of librarian of the United States Military Academy may be performed by an officer of the Regular Army retired from active service under the provisions of section 1251, Revised Statutes, and detailed on active duty for that purpose.
10 U. S. C. § 933.	

MAINTENANCE AND OPERATION, UNITED STATES MILITARY ACADEMY

Expenses.	For text and reference books for instruction; increase and expense of library; office equipment and supplies; stationery, blank books, forms, printing and binding, and periodicals; diplomas for graduates; expense of lectures; apparatus, equipment, supplies, and materials for purpose of instruction and athletics, and maintenance and repair thereof; musical instruments and maintenance of band; care and maintenance of organ; equipment for cadet mess; postage, telephones, and telegrams; freight and expressage; for commutation of rations for cadets in lieu of the regular established ration; for commutation of rations for civilians employed at cadet mess at rate of 42.5 cents per day; maintenance of children's school (not exceeding \$12,200); contingencies for superintendent of the academy, to be expended in his discretion (not to exceed \$5,200); expenses of the members of the Board of Visitors (not exceeding \$1,500); contingent fund, to be expended under the direction of the Academic Board (not exceeding \$1,000); improvement, repair, and maintenance of buildings and grounds (including roads, walls, and fences); shooting galleries and ranges; cooking, heating, and lighting apparatus and fixtures and operation and maintenance thereof; maintenance of water, sewer, and plumbing systems; maintenance of and repairs to cadet camp; fire-extinguishing apparatus; machinery and tools and repairs of same; maintenance, repair, and operation of motor-propelled vehicles; policing buildings and grounds; furniture, refrigerators, and lockers for Government-owned buildings
Board of Visitors. Contingent fund.	
Vehicles.	

at the academy and repair and maintenance thereof; fuel for heat, light, and power; pay of employees; and other necessary incidental expenses in the discretion of the superintendent; in all, \$1,958,270: *Provided*, That not to exceed \$3,750 of this amount shall be available to liquidate the indebtedness of cadets separated from the service for any reason during their first year, who at the time of their separation are in debt to the cadet store.

Proviso.
Liquidation of indebtedness of certain cadets.

NATIONAL GUARD

Post, p. 970.

ARMING, EQUIPPING, AND TRAINING THE NATIONAL GUARD

For procurement of forage, bedding, and so forth, for animals used by the National Guard, \$535,817.

Forage, etc.

For compensation of help for care of materials, animals, and equipment, \$4,349,970, of which \$212,350 shall be available exclusively for the compensation of employees engaged upon Federal property custodial and accounting work and such other work as they may be required to perform by the properly constituted State authorities: *Provided*, That the number of caretakers authorized to be employed for any one heavier-than-air squadron under the provisions of section 90 of the National Defense Act of June 3, 1916, as amended, may be increased from 13 to 21.

Care of materials, animals, etc.

Proviso.
Increase in caretakers for heavier-than-air squadrons. 39 Stat. 205. 32 U. S. C. § 42; Supp. V, § 42. Instruction expenses.

For expenses, camps of instruction and air fields, and storage facilities either on Government-owned or State-owned land, field and supplemental training, including construction and maintenance, and the hire (at a rate not to exceed \$1 per diem), repair, maintenance, and operation of motor-propelled passenger-carrying vehicles, \$19,662,417: *Provided*, That not to exceed \$25,500 of this appropriation shall be available for the settlement of claims (not exceeding \$500) for damages to or loss of private property incident to the operation of camps of instruction, either during the stay of National Guard units in such camps or while thereto or therefrom en route: *Provided further*, That not to exceed \$100,000 of this appropriation shall be available for construction at concurrent camps.

Provisos.
Settlement of claims.

Construction at concurrent camps.

For expenses, selected officers and enlisted men, military service schools, \$730,925.

Service schools, expenses of officers, etc.

For pay of property and disbursing officers for the United States, at a rate not less than \$2,400 per annum, \$130,800.

Property and disbursing officers.

For general expenses, equipment, and instruction, National Guard, the hire (at a rate not to exceed \$1 per diem), repair, maintenance, and operation of motor-propelled passenger- and non-passenger-carrying vehicles, and the medical and hospital treatment of members of the National Guard who suffer personal injury or contract disease in line of duty, and other expenses in connection therewith, including pay and allowances, subsistence, transportation, and burial expenses, as authorized by the Act of June 15, 1936 (49 Stat. 1507), \$1,598,302.

Equipment, etc.

Medical, etc., treatment.

For travel of officers, warrant officers, and enlisted men of the Regular Army detailed to, or while on, duty with the National Guard, including transportation of dependents, transportation of mounts, and transportation, packing, and crating of household goods and effects as authorized by law, \$415,821.

10 U. S. C., Supp. V, §§ 455a-455d. Travel of Army officers, etc.

For transportation of equipment and supplies, \$991,014.

Transportation.

For expenses of enlisted men of the Regular Army on duty with the National Guard, including payment of an allowance for quarters at the rate of \$35 per month to each man not furnished quarters in kind, \$373,500.

Army enlisted men, expenses.

For pay of National Guard (armory drills), \$19,309,100, of which \$900,000 shall be available for voluntary field training without pay at or near home stations, including rations (not to exceed 75 cents per ration), to which participants in such training shall be entitled.

Pay, armory drills; voluntary field training.

Restriction on use of funds for pensioners, etc.

Provisos.
Surrender of pension.

Status of adjutants general.

No part of the appropriations made in this Act shall be available for pay, allowances, or traveling or other expenses of any officer or enlisted man of the National Guard who may be drawing a pension, disability allowance, disability compensation, or retired pay (where retirement has been made on account of physical disability or age) from the Government of the United States: *Provided*, That nothing in this provision shall be so construed as to prevent the application of funds herein contained to the pay, allowances, or traveling expenses of any officer or enlisted man of the National Guard who may surrender said pension, disability allowance, disability compensation, or retired pay for the period of his service in the National Guard: *Provided further*, That adjutants general who may be drawing such emoluments may be continued in a federally recognized status without pay under this Act.

ARMS, UNIFORMS, EQUIPMENT, AND SO FORTH, FOR FIELD SERVICE,
NATIONAL GUARD

Procurement of arms and equipment.

Motortrucks, etc.

Accounting.

Amount immediately available.

Provisos.
Specifications for motor vehicles.

Replacement of surveyed property.

39 Stat. 204.
32 U. S. C. § 47.

39 Stat. 199.
32 U. S. C. § 22.

48 Stat. 1227.
31 U. S. C. § 725c.

Issuance of Army clothing, equipment, etc.

39 Stat. 199.
Accounting.

Mounted units and wagon companies, restriction.

To procure by purchase or manufacture and issue from time to time to the National Guard, upon requisition of the Governors of the several States and Territories or the commanding general, National Guard of the District of Columbia, such military equipment and stores of all kinds and reserve supply thereof as are necessary to arm, uniform, and equip for field service the National Guard of the several States, Territories, and the District of Columbia, including animals, motortrucks, motorcycles, field ambulances, and station wagons and to repair such of the afore-mentioned articles of equipage and military stores as are or may become damaged when, under regulations prescribed by the Secretary of War, such repair may be determined to be an economical measure and as necessary for their proper preservation and use, \$40,369,301, and all of the sums appropriated in this Act on account of the National Guard shall be accounted for as one fund, and of the total of all sums appropriated in this Act on account of the National Guard, \$1,500,000 shall be available immediately: *Provided*, That specifications for motor vehicles, which shall be so drawn as to admit of competition, shall to the extent otherwise practicable conform with the requirements of the National Guard: *Provided further*, That the value of issues made to any State, Territory, or the District of Columbia to replace property surveyed in accordance with section 87, National Defense Act of June 3, 1916, as amended, shall not be charged to the apportionments required by section 67 of that Act, but no such replacement issue shall be made in excess of receipts theretofore collected and covered into the Treasury as miscellaneous receipts pursuant to said section 87, as amended, and section 4 (a) and (b) (22) of the Permanent Appropriation Repeal Act of June 26, 1934: *Provided further*, That the Secretary of War is hereby authorized to issue from surplus stores and material on hand and purchased for the United States Army such articles of clothing and equipment and field artillery, engineer, and signal material and ammunition as may be needed by the National Guard organized under the provisions of the Act entitled "An Act for making further and more effectual provision for the national defense, and for other purposes", approved June 3, 1916 (32 U. S. C. 21), as amended. This issue shall be made without charge against National Guard appropriations except for actual expenses incident to such issue.

No appropriation contained in this Act shall be available for any expense for or on account of a larger number of mounted units and wagon companies of the National Guard than were in existence on

June 30, 1932: *Provided*, That officers, warrant officers, and enlisted men of the National Guard and Organized Reserves, who, under regulations prescribed by the Secretary of War, volunteer to participate without pay as competitors or range officers in the national matches to be held during the fiscal year 1941, may attend such matches without pay, notwithstanding any provision of law to the contrary, but shall be entitled to travel and subsistence allowances at the same rates as are provided for civilians who attend and participate in said matches, but this proviso shall not operate to prohibit the pay of such competitors or range officers, provided funds for such payment are available from the appropriation "Promotion of rifle practice, 1941", nor shall any provision in this Act operate to deprive a Reserve officer ordered to active duty incident to the national matches of pay for the full period of such active duty, provided funds for such payment are available from the appropriation "Promotion of rifle practice, 1941": *Provided further*, That officers, warrant officers, and enlisted men of the National Guard and Organized Reserves may be ordered to duty, with their consent, for the care, maintenance, and operation of the ranges used in the conduct of the national matches, and such officers, warrant officers, and enlisted men while so engaged shall be entitled to the same pay, subsistence, and transportation as officers, warrant officers, and enlisted men of corresponding grades of the Regular Army are entitled by law, which expense shall be provided by the appropriation "Promotion of rifle practice"; and after being duly mustered may be paid for the period from the date of leaving home rendezvous to date of return thereto as determined in advance, both dates inclusive.

ORGANIZED RESERVES

For pay and allowances of members of the Officers' Reserve Corps on active duty in accordance with law; mileage, reimbursement of actual traveling expenses, or per diem allowances in lieu thereof, as authorized by law; for travel in kind, or reimbursement in lieu thereof, as now authorized by law for officers of the Regular Army, of dependents of Reserve officers who have been ordered to active duty for periods in excess of fifteen days; pay, transportation, subsistence, clothing, and medical and hospital treatment of members of the Enlisted Reserve Corps; conducting correspondence or extension courses for instruction of members of the Reserve Corps, including necessary supplies, procurement of maps and textbooks, and transportation and traveling expenses of employees; purchase of training manuals, including Government publications and blank forms, subscriptions to magazines and periodicals of a professional or technical nature; establishment, maintenance, and operation of Organized Reserve headquarters and of camps for training of the Organized Reserves; for miscellaneous expenses incident to the administration of the Organized Reserves, including the maintenance and operation of motor-propelled passenger-carrying vehicles and purchase of thirty such vehicles; for the actual and necessary expenses, or per diem in lieu thereof, at rates authorized by law, incurred by officers and enlisted men of the Regular Army and Reserve officers ordered to active duty for periods in excess of fifteen days traveling on duty in connection with the Organized Reserves, and for travel of dependents, and packing and transportation of baggage of such personnel; for expenses incident to the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department; for transportation of baggage, including packing and crating, of Reserve

Provisos.
Participation in national matches.

Travel and subsistence allowances.

Post, p. 377.
Reserve officers.

Cars, etc., of ranges.

Post, p. 377.

Post, pp. 602, 970.

Officers' Reserve Corps, members on active duty.

Enlisted Reserve Corps.

Correspondence, etc., courses.

Headquarters and training camps.

Per diem, travel, etc.

Medical and hospital treatment.

10 U. S. C., Supp. V, §§ 455a-455d.

Flight training, restriction.
Post, p. 970.

Proviso.
Organized Reserve headquarters.

Restriction on use of other funds; exceptions.

Restriction on use of funds for pensioners, etc.

Proviso.
Surrender of pension.

Reserve officer on active duty, pay restriction; exceptions.

41 Stat. 760, 763.
10 U. S. C., Supp. V, § 26 (note).

53 Stat. 557.
10 U. S. C., Supp. V, § 369a.

Proviso.
Medical Reserve Corps.
Pay, etc., of certain officers and nurses.

officers ordered to active duty for not less than six months; for the medical and hospital treatment of members of the Officers' Reserve Corps and of the Enlisted Reserve Corps, who suffer personal injury or contract disease in line of duty, as provided by the Act of June 15, 1936 (49 Stat. 1507), and for such other purposes in connection therewith as are authorized by the said Act, including pay and allowances, subsistence, transportation, and burial expenses; in all, \$32,107,455; and no part of such amount shall be available for any expense incident to giving flight training to any officer of the Officers' Reserve Corps unless he shall be found physically and professionally qualified to perform aviation service as an aviation pilot, by such agency as the Secretary of War may designate: *Provided*, That not to exceed \$213,750 of this appropriation may be used for establishment, operation, and maintenance of Organized Reserve headquarters.

None of the funds appropriated elsewhere in this Act, except for printing and binding, field exercises, and for pay and allowances of officers and enlisted men of the Regular Army, and for mileage, reimbursement of actual traveling expenses, or per-diem allowances in lieu thereof, as authorized by law, to Air Corps Reserve officers on extended active duty, shall be used for expenses in connection with the Organized Reserves, but available supplies and existing facilities at military posts shall be utilized to the fullest extent practicable.

No appropriation made in this Act shall be available for pay, allowances, or traveling or other expenses of any officer of the Organized Reserves who may be drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States: *Provided*, That nothing in this provision shall be so construed as to prevent the application of funds herein contained to the pay, allowances, or traveling expenses of any officer or enlisted man of the Reserve Corps who may surrender said pension, disability allowance, disability compensation, or retired pay for the period of his active duty in the Reserve Corps.

No appropriation made in this Act shall be expended for the pay of a Reserve officer on active duty for a longer period than fifteen days, except such as may be detailed for duty with the War Department General Staff under section 3a and section 5 (b) of the National Defense Act, as amended (10 U. S. C. 26, 37), or who may be detailed for courses of instruction at the general or special service schools of the Army, or to Corps Area staff schools, or for duty as instructors at civilian military training camps, appropriated for in this Act, or who may be detailed to active duty with the Regular Army under the provisions of the Act of April 3, 1939, or whose fifteen-day training period may be increased by not to exceed fifteen additional days, or who may be detailed to duties for which officers of the Regular Army are not available: *Provided*, That the pay and allowances of such additional officers and nurses of the Medical Reserve Corps as are required to supplement the like officers and nurses of the Regular Army in the care of beneficiaries of the United States Veterans' Administration treated in Army hospitals may be paid from the funds allotted to the War Department by that Administration under existing law.

CITIZENS' MILITARY TRAINING

RESERVE OFFICERS' TRAINING CORPS

Post, pp. 874, 970.

Supplies, etc.

For the procurement, maintenance, and issue, under such regulations as may be prescribed by the Secretary of War, to institutions at which one or more units of the Reserve Officers' Training Corps are maintained, of such public animals, means of transportation, supplies, tentage, equipment, and uniforms as he may deem necessary, including

cleaning and laundering of uniforms and clothing at camps; and to forage, at the expense of the United States, public animals so issued, and to pay commutation in lieu of uniforms at a rate to be fixed annually by the Secretary of War; for transporting said animals and other authorized supplies and equipment from place of issue to the several institutions and training camps and return of same to place of issue when necessary; for purchase of training manuals, including Government publications and blank forms; for the establishment and maintenance of camps for the further practical instruction of the members of the Reserve Officers' Training Corps, and for transporting members of such corps to and from such camps, and to subsist them while traveling to and from such camps and while remaining therein so far as appropriations will permit, or, in lieu of transporting them to and from such camps and subsisting them while en route, to pay them travel allowance at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto, and to pay the return travel pay in advance of the actual performance of the travel; for expenses incident to the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department; for pay for students attending advanced camps at the rate prescribed for soldiers of the seventh grade of the Regular Army; for the payment of commutation of subsistence to members of the senior division of the Reserve Officers' Training Corps, at a rate not exceeding the cost of the garrison ration prescribed for the Army, as authorized in the Act approved June 3, 1916, as amended by the Act approved June 4, 1920 (10 U. S. C. 387); for the medical and hospital treatment of members of the Reserve Officers' Training Corps, who suffer personal injury or contract disease in line of duty, and for other expenses in connection therewith, including pay and allowances, subsistence, transportation, and burial expenses, as authorized by the Act of June 15, 1936 (49 Stat. 1507); for mileage, traveling expenses, or transportation, for transportation of dependents, and for packing and transportation of baggage, as authorized by law, for officers, warrant officers, and enlisted men of the Regular Army traveling on duty pertaining to or on detail to or relief from duty with the Reserve Officers' Training Corps; for the purchase, maintenance, repair, and operation of motor vehicles, including station wagons, \$4,931,417, of which amount \$400,000 shall be available immediately: *Provided*, That the Secretary of War is authorized to issue, without charge, in lieu of purchase, for the use of the Reserve Officers' Training Corps, so many horses now belonging to the Regular Army as he may consider desirable: *Provided*, That uniforms and other equipment or material issued to the Reserve Officers' Training Corps in accordance with law shall be furnished from surplus stocks of the War Department without payment from this appropriation, except for actual expense incurred in the manufacture or issue: *Provided further*, That in no case shall the amount paid from this appropriation for uniforms, equipment, or material furnished to the Reserve Officers' Training Corps from stocks under the control of the War Department be in excess of the price current at the time the issue is made: *Provided further*, That none of the funds appropriated in this Act shall be used for the organization or maintenance of an additional number of mounted, motor transport, or tank units in the Reserve Officers' Training Corps in excess of the number in existence on January 1, 1928: *Provided further*, That none of the funds appropriated in this Act shall be available for any expense on account of any student in Air Corps, Dental Corps, or Veterinary units not a member of such units

Training camps, etc.

Travel allowance.

Pay of students attending advanced camps.
Subsistence commutation, senior division.

39 Stat. 193; 41 Stat. 778.
Medical, etc., treatment.

10 U. S. C., Supp. V, §§ 455a-455d.

Vehicles.

Provisos.
Issue of Army horses.

Uniforms, etc., from War Department surplus stocks.

Price.

Limitation on number of mounted, etc., units.
Post, p. 970.

Air Corps, etc., students, expenses; enrollments.

Restriction on use of other funds; exceptions.

on May 5, 1932, but such stoppage of further enrollments shall not interfere with the maintenance of existing units: *Provided further*, That none of the funds appropriated elsewhere in this Act, except for printing and binding and pay and allowances of officers and enlisted men of the Regular Army, shall be used for expenses in connection with the Reserve Officers' Training Corps.

MILITARY SUPPLIES AND EQUIPMENT FOR SCHOOLS AND COLLEGES

Procurement and issue.
41 Stat. 780.
34 U. S. C. § 1129.

41 Stat. 776.
10 U. S. C. § 381.

For the procurement and issue as provided in section 55c of the Act approved June 4, 1920 (10 U. S. C. 1180), and in section 1225, Revised Statutes, as amended, under such regulations as may be prescribed by the Secretary of War, to schools and colleges, other than those provided for in section 40 of the Act above referred to, of such arms, tentage, and equipment, and of ammunition, targets, and target materials, including the transporting of same, and the overhauling and repair of articles issued, as the Secretary of War shall deem necessary for proper military training in said schools and colleges, \$8,900.

CITIZENS' MILITARY TRAINING CAMPS

Uniforms, transportation expenses, etc.

41 Stat. 779.

Maintenance of camps, etc.

Mileage, etc.

Medical and hospital treatment.

10 U. S. C., Supp. V, §§ 455a-455d.

Provisos.
Age limitation.

Restriction on use of other funds; exceptions.

Uniforms, etc., from War Department surplus stocks.

Price.

For furnishing, at the expense of the United States, to warrant officers, enlisted men, and civilians attending training camps maintained under the provisions of section 47d of the National Defense Act of June 3, 1916, as amended (10 U. S. C. 442), uniforms, including altering, fitting, washing, and cleaning when necessary; subsistence, or subsistence allowances and transportation, or transportation allowances, as prescribed in said section 47d, as amended; for such expenditures as are authorized by said section 47d as may be necessary for the establishment and maintenance of said camps, including recruiting and advertising therefor, and the cost of maintenance, repair, and operation of passenger-carrying vehicles; for expenses incident to the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department; for gymnasium and athletic supplies (not exceeding \$20,000); for mileage, reimbursement of traveling expenses, or allowance in lieu thereof as authorized by law, for officers of the Regular Army and Organized Reserves, and for the travel expenses of enlisted men of the Regular Army, traveling on duty in connection with citizens' military training camps; for purchase of training manuals, including Government publications and blank forms; for medical and hospital treatment of members of the citizens' military training camps who suffer personal injury or contract disease in line of duty, and for other expenses in connection therewith, including subsistence, transportation, and burial expenses, as authorized by the Act of June 15, 1936 (49 Stat. 1507), in all, \$2,275,000, of which \$200,000 shall be immediately available: *Provided*, That the funds herein appropriated shall not be used for the training of any person in the first year or lowest course who shall have reached his twenty-fourth birthday before the date of enrollment: *Provided further*, That none of the funds appropriated elsewhere in this Act except for printing and binding and for pay and allowances of officers and enlisted men of the Regular Army shall be used for expenses in connection with citizens' military training camps: *Provided further*, That uniforms and other equipment or matériel furnished in accordance with law for use at citizens' military training camps shall be furnished from surplus stocks of the War Department without payment from this appropriation, except for actual expense incurred in the manufacture or issue: *Provided further*, That in no case shall the amount paid from this appropriation

tion for uniforms, equipment, or matériel furnished in accordance with law for use at citizens' military training camps from stocks under the control of the War Department be in excess of the price current at the time the issue is made.

NATIONAL BOARD FOR PROMOTION OF RIFLE PRACTICE, ARMY

Promotion of rifle practice: For construction, equipment, and maintenance of rifle ranges, the instruction of citizens in marksmanship, and promotion of practice in the use of rifled arms; for arms, ammunition, targets, and other accessories for target practice, for issue and sale in accordance with rules and regulations prescribed by the National Board for the Promotion of Rifle Practice and approved by the Secretary of War; for clerical services, including not exceeding \$25,000 in the District of Columbia; for procurement of materials, supplies, trophies, prizes, badges, services, and such other items as are authorized in section 113, Act of June 3, 1916, and under this head in War Department Appropriation Act of June 7, 1924; for the conduct of the national matches, including incidental travel of rifle teams and of individuals and of Marine Corps and other detachments required in the operation of the matches and including incidental travel of rifle teams and individuals attending regional, national, and international competitions, and for the purchase of medals and badges for use in National Rifle Association competitions, including those fired as a part of the national matches; for mileage at 8 cents per mile for members of the National Board for the Promotion of Rifle Practice when authorized by the Secretary of War, any provision of law to the contrary notwithstanding; and for maintenance of the National Board for the Promotion of Rifle Practice, including not to exceed \$4,500 for incidental expenses in addition to the amount authorized by Act of May 28, 1928; to be expended under the direction of the Secretary of War, \$732,710.

Promotion of rifle practice.
Ante, p. 373.
Instruction expenses, etc.

Supplies, etc

39 Stat. 211; 43 Stat. 510.
32 U. S. C. §§ 183, 186, 181.
National matches, etc.

Mileage for Board members.

Maintenance of Board.

45 Stat. 786.
32 U. S. C. § 181c.

EMERGENCY FUND FOR THE PRESIDENT

To enable the President, through the appropriate agencies of the Government, without reference to section 3709, Revised Statutes, to provide for emergencies affecting the national security and defense and for each and every purpose connected therewith, including all of the objects and purposes specified under any appropriation available or to be made available to the War Department for the fiscal years 1940 and 1941; the furnishing of Government-owned facilities at privately owned plants; the procurement and training of civilian personnel necessary in connection with the production of critical and essential items of equipment and material and the use or operation thereof; and the procurement of strategic and critical materials in accordance with the Act of June 7, 1939, \$66,000,000; to be immediately and continuously available until June 30, 1942; and, in addition, the President is authorized, through such agencies, on and after the enactment hereof, to enter into contracts for the same purposes to an amount not exceeding \$66,000,000: *Provided*, That an account shall be kept of all expenditures made or authorized hereunder, and a report thereon shall be submitted to the Congress on or before June 30, 1942.

No part of the appropriations made in this Act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion

Ante, p. 297; *post*, p. 1126.

Emergencies affecting national security and defense.
41 U. S. C. § 5.

Government-owned facilities.
Civilian personnel.

Strategic and critical materials.
53 Stat. 811.
50 U. S. C., Supp. V, §§ 98-98f.
Contracts.

Proviso.
Accounting; report to Congress.

Time-measuring devices, etc.

Restriction on cash rewards, etc.; exception.

Pay, etc., of Reserve officers ordered to active duty; funds available.
Ante, pp. 358, 359, 366, 367, 368, 369.

Restriction on use of funds for certain Government vehicles; exception.

Restriction on use of funds for post exchanges.

Exception.

Provisos.
Certification on monthly report.

Isolated posts.

Limitation on administrative promotions.

Temporary personal services.
Ante, p. 352.
53 Stat. 642, 993.

Ante, p. 23.

Personal services, Canal Zone, citizenship requirement; exception.

thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this Act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

SEC. 2. The foregoing appropriations for "Regular Supplies of the Army", "Clothing and Equipage", "Army Transportation", "Signal Service of the Army", "Air Corps, Army", "Medical and Hospital Department", "Engineer Service, Army", "Ordnance Service and Supplies", "Chemical Warfare Service", and "Seacoast Defenses" shall each be available for the pay and allowances, including travel allowances, of such Reserve officers as the President may, with their consent, order to active duty for such periods, not in excess of two years, as their service may be required in the procurement or production of equipment therein appropriated for, or on duty pertaining to aviation.

SEC. 3. No part of any money appropriated by this Act shall be used for maintaining, driving, or operating any Government-owned motor-propelled passenger-carrying vehicle assigned for the exclusive use of persons other than the Secretary of War and medical officers on out-patient medical service.

SEC. 4. No part of any appropriation made by this Act shall be used in any way to pay any expense in connection with the conduct, operation, or management of any post exchange, branch exchange, or subexchange within any State, Territory, or the District of Columbia, save and except for real assistance and convenience under such regulations as the Secretary of War may prescribe, to such personnel as are now or may be hereafter authorized by law and regulation to purchase subsistence stores or other Quartermaster supplies and to civilians employed or serving at military posts in supplying them with articles of small personal needs, not similar to those furnished by the Government: *Provided*, That the commanding officer of the post at which any such exchange is situated shall certify on the monthly report of the post exchange council that such exchange was, during the period covered by such report, operated in compliance with this section: *Provided further*, That at posts isolated from a convenient market the Secretary of War may broaden the nature of the articles to be sold.

SEC. 5. The total amount used on an annual basis for administrative within-grade promotions for officers and employees under any appropriation or other fund made available in this Act shall not exceed the amount determined by the Bureau of the Budget to be available for such purpose on the basis of the Budget estimate for such appropriation or fund exclusive of new money in any such Budget estimate for such administrative promotions.

SEC. 6. Such portions of the appropriations contained herein under the head of "Military activities" on account of classified personal services provided for in the Second Deficiency Appropriation Act, fiscal year 1939, in the Supplemental Military Appropriation Act, 1940, and in the Emergency Supplemental Appropriation Act, 1940, shall be available for the employment of such personal services only upon a temporary basis.

SEC. 7. No part of any appropriation contained in this Act shall be used directly or indirectly after May 1, 1941, except for temporary employment in case of emergency, for the payment of any civilian for services rendered by him on the Canal Zone while occupying a skilled, technical, clerical, administrative, executive, or supervisory

position unless such person is a citizen of the United States of America or of the Republic of Panama: *Provided, however*, (1) That, notwithstanding the provision in the Act approved August 11, 1939 (53 Stat. 1409), limiting employment in the above-mentioned positions to citizens of the United States from and after the date of the approval of said Act, citizens of Panama may be employed in such positions; (2) that at no time shall the number of Panamanian citizens employed in the above-mentioned positions exceed the number of citizens of the United States so employed, if United States citizens are available in continental United States or on the Canal Zone; (3) that nothing in this Act shall prohibit the continued employment of any person who shall have rendered fifteen or more years of faithful and honorable service on the Canal Zone; (4) that in the selection of personnel for skilled, technical, administrative, clerical, supervisory, or executive positions, the controlling factors in filling these positions shall be efficiency, experience, training and education; (5) that all citizens of Panama and the United States rendering skilled, technical, clerical, administrative, executive, or supervisory service on the Canal Zone under the terms of this Act (a) shall normally be employed not more than forty hours per week; (b) may receive as compensation equal rates of pay based upon rates paid for similar employment in continental United States plus 25 per centum; (6) this entire section shall apply only to persons employed in skilled, technical, clerical, administrative, executive, or supervisory positions on the Canal Zone directly or indirectly by any branch of the United States Government or by any corporation or company whose stock is owned wholly or in part by the United States Government: *Provided further*, That the President may suspend compliance with this section in time of war or national emergency if he should deem such course to be in the public interest.

SEC. 8. All funds appropriated by this Act, and all amounts herein made available for contractual obligation shall be immediately available.

SEC. 9. This Act may be cited as the "Military Appropriation Act, 1941".

Approved, June 13, 1940.

[CHAPTER 344]

AN ACT

To provide for the promotion of promotion-list officers of the Army after specified years of service in grade, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of July 31, 1935 (49 Stat. 505), is hereby repealed.

SEC. 2. Section 3 of the said Act of July 31, 1935, is hereby amended to read as follows:

"SEC. 3. The number of promotion-list officers that shall be in the respective grades at any time after the effective date of this Act shall be such as results from the operation of the promotion system herein-after in this section prescribed. Promotion-list second lieutenants and first lieutenants shall be promoted to the respective grades of first lieutenant and captain immediately upon completing respectively three years' and ten years' continuous commissioned service in the Regular Army, but not otherwise. Except as hereinafter provided promotion-list captains, majors, and lieutenant colonels shall be promoted to the respective grades of major, lieutenant colonel, and colonel immediately upon completing respectively seventeen years',

Provisos.
Employment of
Panamanian citizens.
48 U. S. C., Supp.
V, § 1307.

Limitation on num-
ber.

Employment after
15 years' service.

Selection of person-
nel.

Hours of employ-
ment; rates of pay.

Section applicable
only to designated
persons.

Authority of Presi-
dent to suspend com-
pliance.

Funds immediately
available.

Short title.

June 13, 1940

[H. R. 9243]

[Public, No. 612]

Army.
Promotion-list offi-
cers.

Repeal.
10 U. S. C., Supp.
V, § 553b.

10 U. S. C., Supp.
V, § 552a.

Number in grades.

Second and first
lieutenants, pro-
motions; service re-
quirements.

Captains, majors,
and lieutenant colo-
nels, promotions; serv-
ice requirements.

<p><i>Provisos.</i> Number of colonels limited.</p> <p>Majors and lieutenant colonels, required service within grades.</p>	<p>twenty-three years', and twenty-eight years' continuous commissioned service in the Regular Army: <i>Provided</i>, That at no time shall the number of promotion-list colonels exceed seven hundred and five: <i>Provided further</i>, That promotion-list majors and lieutenant colonels shall not be promoted to the respective grades of lieutenant colonel and colonel until they shall have completed respectively six years' and five years' continuous commissioned service under permanent appointments in the grades of major and lieutenant colonel, except that for the purpose of determining years of such service in grade officers promoted to or serving in the respective grades of major and lieutenant colonel shall, in addition to receiving credit for all actual continuous commissioned service in the Regular Army in those grades, receive constructive credit of one-half the amount of their continuous commissioned service in the Regular Army in excess of seventeen and twenty-three years, respectively: <i>Provided further</i>, That each promotion-list officer shall be assumed to have, for promotion purposes, at least the same length of continuous commissioned service in the Regular Army and service in grade as any officer junior to him, in his grade, on the promotion list, except that an officer sentenced by courts martial to loss of files on the promotion list shall be assumed to have for promotion purposes no greater service than the officer next above him in his new position on the promotion list: <i>Provided further</i>, That no officer shall be promoted, under the provisions of this section, in advance of any officer in the same grade whose name appears above his on the promotion list, except that the promotion of an officer shall not be withheld by reason of the fact that an officer senior to him on the promotion list is for any reason not eligible for promotion: <i>And provided further</i>, That hereafter all promotion-list officers in any grade shall take rank among themselves according to their standing on the promotion list."</p>
<p>Exception.</p>	
<p>Continuous service assumed for promotion purposes; exception.</p>	
<p>Order of promotion.</p>	
<p>Rank.</p>	
<p>49 Stat. 507. 10 U. S. C., Supp. V, § 971b. Retirement provisions; service requirements.</p>	<p>SEC. 3. That section 5 of the said Act of July 31, 1935, is hereby amended to read as follows:</p>
<p>Pay.</p>	<p>"That whenever any officer on the active list of the Regular Army or Philippine Scouts shall have completed not less than fifteen nor more than twenty-nine years' service, he may upon his own application be retired, in the discretion of the Secretary of War with annual pay equal to 2½ per centum of his active-duty annual pay at the time of his retirement, multiplied by a number equal to the years of his active service not in excess of twenty-nine years: <i>Provided</i>, That the numbers of years of service to be credited in computing the right to retirement and retirement pay hereinbefore provided in this section shall include all service now or hereafter credited for active-duty pay purposes, any fractional part of a year amounting to six months or more to be counted as a complete year: <i>Provided further</i>, That any officer on the active list of the Regular Army or Philippine Scouts who served in any capacity as a member of the military or naval forces of the United States prior to November 12, 1918, shall upon his own application be retired with annual pay equal to 75 per centum of his active-duty annual pay at the time of his retirement unless entitled to retired pay of a higher grade as hereinafter provided, except that officers with less than twenty years' service and officers who are under investigation or who are awaiting trial by courts martial or the result of such trial, or whose cases are pending before courts of inquiry shall be retired only when the application for retirement in each case has been approved by the Secretary of War: <i>Provided further</i>, That on June 30, 1942, all brigadier generals of the line who are then sixty-two years of age or over and all promotion-list officers who are then sixty</p>
<p><i>Provisos.</i> Computation of service.</p>	
<p>Officers serving prior to Nov. 12, 1918.</p>	
<p>Retirements for age in 1942 and thereafter.</p>	

years of age or over shall be retired, and thereafter all brigadier generals of the line shall be retired at the age of sixty-two years and all promotion-list officers shall be retired at the age of sixty years, except that all officers in the grade of general officer whose names are carried on the promotion list are exempted from the operation of this proviso and in addition thereto the Secretary of War may, in his discretion, exempt from the operation of this proviso such number of colonels as will result in there being on active duty at any time a number of colonels who would otherwise be retired not greater than 5 per centum of the total number of colonels then on the promotion list, but such exemption shall terminate in each case when the officer reaches the age of sixty-two, or sooner in the discretion of the Secretary of War, and colonels so exempted shall be included within the authorized number of promotion-list colonels: *Provided further*, That any promotion-list officer retired for any reason except by operation of section 24b, National Defense Act, or wholly retired, who has completed twenty-eight or more years of continuous commissioned service in the Regular Army and who has failed to reach the grade of colonel by reason of the limitation on the number of promotion-list officers in the grade of colonel or by reason of the restriction of years of service in grade of major or lieutenant colonel shall be retired in the grade of colonel with retired pay computed as otherwise provided by law for a colonel with the same length of service including all service now or hereafter credited for active-duty pay purposes, and any such officer who has completed more than twenty-three but less than twenty-eight years of continuous commissioned service in the Regular Army and who has failed to reach the grade of lieutenant colonel by reason of the restriction of years of service in grade of major shall be retired in the grade of lieutenant colonel with retired pay computed as otherwise provided by law for a lieutenant colonel with the same length of service including all service now or hereafter credited for active-duty pay purposes: *Provided further*, That each promotion-list officer shall be assumed to have for retirement purposes, at least the same length of continuous commissioned service in the Regular Army as any officer junior to him on the promotion list: *Provided further*, That the number of years of service to be credited in computing the right to retirement and retirement pay in the case of officers retired by reason of having reached the age of sixty years or over shall include all service heretofore credited for retirement at age sixty-four: *Provided further*, That nothing in this Act shall operate to deprive any officer of the retired rank to which he is now entitled under the provisions of law: *And provided further*, That all officers retired under the provisions of this section shall be placed on the unlimited retired list."

SEC. 4. That hereafter brigadier generals of the line shall be appointed from among officers of the line commissioned in grades not below that of lieutenant colonel who are credited with twenty-eight years' continuous commissioned service in the Regular Army as hereinbefore provided and whose names are borne on an eligible list prepared annually by a board of not less than five general officers of the line, not below the grade of major general; and hereafter appointment as chief of any branch shall be made from among officers commissioned in grades not below that of lieutenant colonel who are credited with twenty-eight years' continuous commissioned service in the Regular Army as hereinbefore provided, and who have demonstrated by actual and extended service in such branch or on similar duty that they are qualified for such appointment.

Exception.

Retirements in grade of colonel and lieutenant colonel.
41 Stat. 773.
10 U. S. C. § 571.

Continuous service assumed for retirement purposes.

Service computation of officers 60 years of age or over.

Retention of retired rank.

Officers on unlimited retired list.

Brigadier generals of the line, appointment.

Chiefs, service branches, appointment.

Effective date; repeal of conflicting, etc., laws.

SEC. 5. Except as otherwise provided, this Act shall be effective July 1, 1940, and all laws and parts of laws, so far as they are inconsistent with or in conflict with any of the provisions hereof, are hereby repealed as of that date.

Approved, June 13, 1940.

[CHAPTER 345]

AN ACT

June 13, 1940
[S. 1777]
[Public, No. 613]

Granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact or agreement for division of the waters of the Little Missouri River.

Little Missouri River.
Negotiations for division of water supply of, authorized.

U. S. representative.

Report to Congress.

Proviso.
Approval of agreement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That consent of Congress is hereby given to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact or agreement not later than January 1, 1943, providing for an equitable division and apportionment among the States of the water supply of the Little Missouri River and of the streams tributary thereto, upon conditions that one suitable person, who shall be appointed by the President of the United States, shall participate in said negotiations as the representative of the United States and shall make report to Congress of the proceedings and of any compact or agreement entered into: *Provided*, That any such compact or agreement shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislature of each of said States and by the Congress of the United States.

Approved, June 13, 1940.

[CHAPTER 346]

AN ACT

June 13, 1940
[S. 2328]
[Public, No. 614]

To promote on the retired list officers who were decorated and recommended for promotion for distinguished service during the World War and who have not attained the rank to which recommended.

Army.
Promotion on retired list of certain decorated officers.

41 Stat. 773.
10 U. S. C. § 571.

Provisos.
Deceased officers.

No increase of pay, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any commissioned officer of the Army below the grade of brigadier general, now retired or hereafter retired, except those retired under the provisions of section 24b of the Act of June 4, 1920, who for services rendered during the World War was officially recommended in writing for promotion to increased rank by a division commander or coordinate or higher authority or by the chief of a staff corps or department, and who has not attained said rank, and who as evidenced by bestowal of Medal of Honor or Distinguished Service Cross or Distinguished Service Medal rendered exceptionally meritorious services or demonstrated gallantry in action beyond the call of duty shall, upon application, be advanced one grade on the retired list: *Provided*, That any such officer on the active or retired list who died or may die prior to the approval of this Act, or on the active list who may hereafter die before retirement, shall upon application in his behalf be advanced one grade as of date of death: *Provided further*, That such promotion shall not carry with it any increase of pay or allowances.

Approved, June 13, 1940.

[CHAPTER 347]

AN ACT

To amend the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (32 Stat. 662), so as to provide uniformity in the pay of all civilian employees of the Navy Department appointed for duty beyond the continental limits of the United States and in Alaska.

June 13, 1940
[S. 3014]
[Public, No. 615]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (32 Stat. 662), insofar as the provisions thereof are embodied in section 506 of title 34 of the United States Code, is hereby amended to read as follows:

Navy Department.

"The Secretary of the Navy, in his discretion, is authorized to pay all civilian employees appointed for duty beyond the continental limits of the United States, and in Alaska, from the date of their sailing from the United States until they report for duty to the officer under whom they are to serve, and while returning to the United States by the most direct route and with due expedition, compensation at a rate corresponding to their rate of pay while actually employed."

Transit pay of certain civilian employees.

Approved, June 13, 1940.

[CHAPTER 348]

AN ACT

To amend the Act entitled "An Act to establish a Civilian Conservation Corps, and for other purposes", approved June 28, 1937, as amended.

June 13, 1940
[S. 3042]
[Public, No. 616]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled "An Act to establish a Civilian Conservation Corps, and for other purposes", approved June 28, 1937 (50 Stat. 319), as amended, is amended by adding to the end of said section the following: "*Provided further,* That such officers, agents, or employees paid from funds appropriated for or allocated to the Civilian Conservation Corps, as may be designated or approved for the purpose by the Director shall have the general powers of notaries public in the administration of oaths, the execution and acknowledgement of legal instruments, the attestation of documents, and all other forms of notarial acts determined to be necessary by the Director to prosecute effectively the operations of the Civilian Conservation Corps".

Civilian Conservation Corps.
50 Stat. 320.
16 U. S. C., Supp. V, § 584d.

Notaries public.

Approved, June 13, 1940.

[CHAPTER 349]

AN ACT

Authorizing the sale of fuel, electric current, ice, and water at isolated naval stations.

June 13, 1940
[S. 3065]
[Public, No. 617]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized to sell, under such regulations as he may prescribe, and at such prices as he may deem reasonable, to private concerns or individuals doing business or residing at or in the immediate vicinity of isolated naval stations, such supplies of fuel, water, ice, and electric current as may be required to meet the necessities of, and as may not otherwise be locally obtainable by, such concerns or individuals.

Sale of fuel, etc., at isolated naval stations, authorized.

Approved, June 13, 1940.

[CHAPTER 350]

AN ACT

June 13, 1940
[S. 3491]
[Public, No. 618]

To provide that fines for failure to pay license taxes in Alaska shall be disposed of as provided for the disposition of such taxes.

Alaska.
Fines for nonpay-
ment of license taxes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of June 6, 1900 (ch. 786, 31 Stat. 324, as amended; 35 Stat. 840; U. S. C., title 48, sec. 106), be, and it is hereby, amended to read as follows:

Number of clerks;
assignment; residence.

"Sec. 7. That four clerks shall be appointed for the court, one of whom shall be assigned to each division thereof, and during his term of office shall reside at such place in the division as the Attorney General may direct. Each clerk shall, in his division of the district perform the duties required or authorized by law to be performed by clerks of United States courts in other districts, and such other duties as may be prescribed by the laws of the United States relating to the district of Alaska. He shall preserve copies of all laws applicable to the district and shall preserve all records and record all proceedings and official acts of his division of the court. He shall also collect and receive all moneys arising from the fees of his office, from licenses, fines, forfeitures, judgments, or on any other account authorized by law to be paid to or collected by him, and shall apply the same, except the money derived from licenses and fines imposed for failure to pay license taxes, to the incidental expenses of the proper division of the district court and the allowance thereof as directed in written orders, duly made and signed by the judge, and shall account for the same in detail, and for any balances on account thereof, under oath, quarterly, or more frequently if required, to the court, the Attorney General, and the Secretary of the Treasury: *Provided*, That fines imposed and collected for failure to pay license taxes shall be disposed of as provided by law for the disposition of such license taxes; and moneys accruing from violations of the customs laws, civil customs cases, or internal-revenue cases, moneys, not including costs, accruing from civil post-office suits, fines in criminal cases for violations of the postal laws, the net proceeds of sales of public property under section 3618, Revised Statutes, as amended, and any other moneys the disposition of which is otherwise specially provided for by law, shall not be available for the expenses of the court, but shall be paid over or deposited as provided by law for other districts. And after all payments ordered by the judge shall have been made, any balances remaining in the hands of the clerk shall be by him deposited to the credit of the United States at such times and under such rules and regulations as the Secretary of the Treasury may prescribe. The clerk shall be ex officio recorder of instruments as hereinafter provided and also register of wills for the division, and shall establish secure offices for the safekeeping of his official record where terms of his division of the court are held. He may appoint necessary deputies and employ other necessary clerical assistance to aid him in the expeditious discharge of the duties of his office, with the approval and at compensation to be fixed by the court or judge, subject to the approval of the Attorney General. Any person so appointed or employed shall be paid by the clerk on the order of the judge, as other court expenses are paid."

Duties.

Collection and re-
ceipt of fees.

Application.

Accounting.

Proviso.
Disposition of desig-
nated fines; other
moneys.

31 U. S. C. § 487.

Deposit of balances.

Other duties of
clerks.

Deputies; clerical
assistance.

Approved, June 13, 1940.

[CHAPTER 351]

AN ACT

To prevent retardation in promotion and in pay and allowances of permanent professors of the United States Military Academy appointed by the President from the commissioned officers of the Regular Army.

June 13, 1940

[S. 3496]

[Public, No. 619]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the permanent professors of the United States Military Academy who have been or may hereafter be appointed by the President from the commissioned officers of the Regular Army shall have the rank, pay, and allowances of colonel from the date now provided by law or from the date each would have been entitled to such rank, pay, and allowances had he not accepted such appointment, whichever date is the earlier: *Provided*, That no back pay or allowances shall accrue hereunder.

U. S. Military Academy.
Rank, etc., of designated permanent professors.

proviso.
No back pay or allowances.

Approved, June 13, 1940.

[CHAPTER 352]

AN ACT

Granting the consent of Congress to the Secretary of the Interior and the State of Washington to construct, maintain, and operate a highway bridge across the Spokane River, Washington.

June 13, 1940

[S. 3642]

[Public, No. 620]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Secretary of the Interior and the State of Washington, jointly or separately, to construct, maintain, and operate a toll-free highway bridge across the Spokane River at a point suitable to the interests of navigation, between Stevens County and Lincoln County, Washington, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Spokane River, Wash.
Bridge authorized across, between Stevens and Lincoln Counties.

34 Stat. 84.
33 U. S. C. §§ 491-498.

Right reserved.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 13, 1940.

[CHAPTER 353]

AN ACT

Granting the consent of Congress to the Secretary of the Interior and Stevens County, State of Washington, to construct, maintain, and operate a highway bridge across the Kettle River, near Marcus, Washington.

June 13, 1940

[S. 3643]

[Public, No. 621]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Secretary of the Interior and Stevens County, State of Washington, jointly or separately, to construct, maintain, and operate a toll-free highway bridge across the Kettle River at a point suitable to the interests of navigation, near Marcus, and between Ferry County and Stevens County, Washington, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Kettle River, Wash.
Bridge authorized across, near Marcus, Wash.

34 Stat. 84.
33 U. S. C. §§ 491-498.

Right reserved.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 13, 1940.

[CHAPTER 354]

AN ACT

June 13, 1940
[S. 3644]
[Public, No. 622]

Granting the consent of Congress to the Secretary of the Interior and the Great Northern Railway Company to construct, maintain, and operate two railroad bridges across the Kettle River, near Marcus, Washington.

Kettle River, Wash.
Bridges authorized
across, near Marcus,
Wash.

34 Stat. 84.
33 U. S. C. §§ 491-
498.
Right reserved.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Secretary of the Interior and the Great Northern Railway Company, a corporation organized and existing under the laws of the State of Minnesota, and their successors and assigns, jointly or separately, to construct, maintain, and operate two railroad bridges across the Kettle River at points suitable to the interests of navigation, near Marcus, and between Ferry County and Stevens County, Washington, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations of this Act.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 13, 1940.

[CHAPTER 355]

AN ACT

June 13, 1940
[S. 3677]
[Public, No. 623]

To donate to the city of Seattle a totem pole carved by the Alaskan native Civilian Conservation Corps.

Seattle, Wash.
Donation of totem
pole to, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Director of the Civilian Conservation Corps, through the regional forester, United States Forest Service, Juneau, Alaska, is hereby authorized to donate to the city of Seattle, Washington, the duplicate of the pioneer place totem pole which has been carved by Alaskan native Civilian Conservation Corps enrollees.

Approved, June 13, 1940.

[CHAPTER 356]

AN ACT

June 13, 1940
[S. 3693]
[Public, No. 624]

To authorize the Secretary of War to grant an easement for pipe lines across public lands reserved for military purposes in the parish of Plaquemines, Louisiana.

Plaquemines Par-
ish, La.
Easement.

Description.

Provisos.
Conditions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and empowered to grant, under such terms and conditions as are deemed advisable by him, to the Texas Pipe Line Company, its successors, and/or assigns, an easement for a period not exceeding fifty years for a right-of-way for pipe lines for the transportation of oil and/or gas over, across, in, and upon certain lands owned by the United States of America, situated in the State of Louisiana and in the parish of Plaquemines, described as follows: Sections 30, 31, 32, 36, and 39, township 21 south, range 19 east; and sections 2, 4, 6, 8, and 9, township 22 south, range 19 east, including any accretions thereto; and such portion of section 29, township 22 south, range 32 east as remains, and to cross the channels of Cheniere and Pass a Loutre with said pipe lines: *Provided,* That such easement for right-of-way shall be granted only upon a finding by the Secretary of War that the same will be in the public interest and will not substantially injure the interest of

the United States of America and the property affected thereby: *Provided further*, That all or any part of such easement for right-of-way may be annulled and forfeited by the Secretary of War for failure to comply with the terms and conditions of any grant hereunder, or for nonuse or for abandonment of rights granted under authority hereof.

Annulment and forfeiture.

Approved, June 13, 1940.

[CHAPTER 357]

AN ACT

Authorizing the Secretary of the Treasury to grant to the city of Fort Lauderdale, Florida, an easement or easements authorizing such city to construct and maintain a highway and utility facilities over the United States Coast Guard Reservation known as base six at Fort Lauderdale, Florida.

June 13, 1940
[S. 3969]
[Public, No. 626]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to grant to the city of Fort Lauderdale, Florida, a permanent easement or easements authorizing such city to construct and maintain across such of the lands constituting a part of the United States Coast Guard Reservation known as Base Six at Fort Lauderdale, Florida, as the Secretary may designate, a highway, sewer lines, water mains, electric distribution lines, and other utility facilities.

Base Six, U. S. Coast
Guard Reservation,
Fort Lauderdale, Fla.
Easement.

SEC. 2. Such easement or easements shall be granted subject to the condition that the Secretary may at any time require the removal of the highway and the utility facilities, or either of them, to any other location or locations on said property, without expense to the United States, and shall be subject to such other reasonable conditions as the Secretary may deem desirable to include in the grant to protect the interests of the United States and to enable the Government to use such lands in such manner as the public interests may require. In addition, the city of Fort Lauderdale shall furnish bond with good and adequate sureties, or such other security in lieu of such bond, in such reasonable amount and in such form, as the Secretary may require, to assure the fulfillment of any or all the conditions and stipulations of such easement or easements.

Conditions.

SEC. 3. In the event the United States disposes of its interests in the Coast Guard Reservation known as Base Six, such easement or easements shall cease to be subject to such conditions, unless the Secretary shall find that the discontinuance of any or all of such conditions would adversely affect the sales value of such lands, in which case the conditions with respect to which the Secretary shall have made such a finding shall run with the land.

Bond.

Cessation of conditions; exception.

Approved, June 13, 1940.

[CHAPTER 358]

AN ACT

To amend the Canal Zone Code.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of title 2 of the Canal Zone Code, approved June 19, 1934, is amended so as to read as follows:

June 13, 1940
[H. R. 5584]
[Public, No. 626]

"10. INJURIES TO VESSELS, CARGO, CREW, OR PASSENGERS, OCCASIONED BY OPERATION OF CANAL.—The regulations of the President, authorized under section 9 of this title, shall provide for the prompt adjustment and payment by the Governor of the Panama Canal, subject to

Canal Zone Code,
amendments.
37 Stat. 562.
48 U. S. C. § 1319.

Payment for damages to vessels, etc.

the limitations hereinafter contained in this section, of damages for injuries to vessels, or to the cargo, crew, or passengers of vessels, which may arise:

From passage
through Canal locks.

Provisos.
Negligence of vessel,
etc.

Contributory negli-
gence of vessel, etc.

From presence in
Canal Zone waters.

Provisos.
Contributory negli-
gence of vessel, etc.

Panama Canal pilot.

Adjustment of dam-
ages.

Acceptance of
award.

Proviso.
Submission of cer-
tain claims to Con-
gress.

Action by aggrieved
claimant allowable in
District Court.

Payment of judg-
ments.

"(a) By reason of the passage of such vessels through the locks of the canal under the control of officers or employees of the Panama Canal: *Provided, however,* That no such damages shall be paid in any case wherein the Governor shall find that the injury was proximately caused by the negligence or fault of the vessel, master, crew, or passengers: *And provided further,* That in any case wherein the Governor shall find that the negligence or fault of the vessel, master, crew, or passengers proximately contributed to the injury, he shall diminish the award of damages in proportion to the negligence or fault, as determined by him, attributable to the said vessel, master, crew, or passengers.

"(b) By reason of the presence of such vessels in the waters of the Canal Zone, other than the locks, when the Governor shall find that the injury was proximately caused by negligence or fault on the part of any officer or employee of the Panama Canal acting within the scope of his employment and in the line of his duties in connection with the operation of the canal: *Provided, however,* That when the Governor shall further find that the negligence or fault of the vessel, master, crew, or passengers proximately contributed to the injury, he shall diminish the award of damages in proportion to the negligence or fault, as determined by him, attributable to the said vessel, master, crew, or passengers: *And provided further,* That, in the case of any vessel which is required by or pursuant to regulations heretofore or hereafter prescribed under section 9 of this title to have a Panama Canal pilot on duty aboard, no damages shall be adjusted and paid for injuries to any such vessel, or to the cargo or passengers of any such vessel, incurred while the vessel is under way and in motion, unless at the time such injuries are incurred the navigation or movement of the vessel is under the control of a Panama Canal pilot.

"The amounts of the respective awards of damages, under this section and the regulations authorized herein, may be adjusted, fixed, and determined by the Governor by mutual agreement, compromise, or otherwise, and such amounts shall be payable promptly out of any moneys appropriated or allotted for the maintenance and operation of the Panama Canal, and acceptance by any claimant of the amount awarded to him shall be deemed to be in full settlement of such claim against the Government of the United States: *Provided, however,* That the Governor shall not adjust and pay any claim for damages for injuries arising by reason of the presence of a vessel in the waters of the Canal Zone, other than the locks, where the amount of the claim exceeds \$60,000, but shall submit the same to the Congress by a special report containing the material facts and his recommendations thereon.

"With respect to any claim for damages for injuries arising by reason of the passage of any vessel through the locks of the canal, as hereinbefore provided, any claimant for damages who considers himself aggrieved by the findings, determination, or award of the Governor, in reference to his claim, may bring an action on such claim against the Panama Canal in the United States District Court for the District of the Canal Zone; and in any such action the provisions of this section, and of the regulations of the President authorized under section 9 of this title, applicable to the determination, adjustment, and payment of such claims for damages, by the Governor, shall be applicable, and any judgment obtained against the Panama Canal shall be paid promptly out of any moneys appropriated or

allotted for the maintenance and operation of the Panama Canal.

"Except as otherwise provided in the next preceding paragraph of this section, no action for damages for injuries arising in connection with the operation of the Canal and by reason of the presence of a vessel in the waters of the Canal Zone shall lie in any court against the United States or the Panama Canal, or against any officer or employee of the Panama Canal: *Provided, however,* That nothing in this section shall be construed to prevent or prohibit actions against officers or employees of the Panama Canal for damages for injuries resulting from acts of such officers or employees outside the scope of their employment and not in line with their duties, or from acts of such officers or employees committed or performed with intent to injure the person or property of another."

Prohibition on certain damage actions.

Proviso.
Liability of employees for acts outside scope of employment.

SEC. 2. That chapter 14 of title 2 of the Canal Zone Code, which chapter now consists of sections 271 to 275 of said title 2, is hereby amended so as to read as follows:

47 Stat. 812.
48 U. S. C. §§ 1323a-1325.

"271. MAINTENANCE AND OPERATION OF THE CANAL ZONE POSTAL SERVICE.—The Postal Service of the Canal Zone shall be governed, except as otherwise provided in the Canal Zone Code, by such of the laws, rules, regulations, and conventions of the Postal Service of the United States as by their terms apply in the Canal Zone and by such additional laws, rules, and regulations of the Postal Service of the United States as the Governor of the Panama Canal shall by regulation determine to be applicable to conditions existing in the Canal Zone. The Governor may prescribe such additional rules and regulations as are necessary for the maintenance and operation of the Canal Zone Postal Service.

Canal Zone Postal Service.
Laws, rules, regulations, etc.

"The Governor of the Panama Canal is authorized—

"a. To maintain and operate a postal service in the Canal Zone, including a money-order system, a parcel-post system, a postal-savings system, and such other services as may be necessary or convenient in connection with the postal service;

Maintenance of postal service.

"b. To establish and discontinue post offices;

Post offices.

"c. To prescribe the postage rates: *Provided, however,* That the United States domestic postage rates shall be applicable to regular mail exchanged with the United States; and

Postage rates.
Proviso.
Mail exchanged with U. S.

"d. To prescribe the postage stamps and other stamped paper which shall be used in such service.

Postage stamps, etc.

CROSS REFERENCES

Extension to Canal Zone of United States laws and regulations defining crimes against the postal service, see title 5, section 111.

For the laws of the Postal Service of the United States, see U. S. Code, title 39.

"272. DEFRAIVING EXPENSES FROM REVENUE SO FAR AS POSSIBLE.—The expenses of operating the Canal Zone postal service shall be defrayed, so far as possible, from the revenue derived therefrom, the use of which for that purpose is authorized.

Defraying expenses from postal revenue.

"273. ACCEPTANCE OF POSTAL-SAVINGS DEPOSITS.—Such of the post offices of the Canal Zone as may be designated by the Governor are hereby authorized, under such regulations as the Governor may prescribe, to receive postal-savings deposits, and to issue therefor postal-savings certificates in the form to be prescribed by the Governor.

Acceptance of postal-savings deposits.

Issuance of postal-savings certificates.

"274. RATE OF INTEREST ON POSTAL-SAVINGS CERTIFICATES.—Postal-savings certificates issued as provided in this chapter shall bear interest at such rate, not exceeding 3 per centum per annum, as shall be established by the President.

Rate of interest.

United States
pledged to payment
of deposits.

"275. FAITH OF UNITED STATES PLEDGED TO PAYMENT OF DEPOSITS.—The faith of the United States is pledged to the payment of postal-savings certificates issued as provided in this chapter, with accrued interest thereon, in the same manner as such faith is pledged by law with respect to deposits made in postal-savings depository offices in the United States.

Control of money-
order and postal-sav-
ings funds.

"276. CONTROL OF MONEY-ORDER AND POSTAL-SAVINGS FUNDS.—The funds received from the issuance of money orders and postal-savings certificates by the Canal Zone postal service shall be under the control of the Governor.

Deposit of funds in
U. S. Treasury.

"277. DEPOSIT OF MONEY-ORDER AND POSTAL-SAVINGS FUNDS IN UNITED STATES TREASURY.—The Governor is authorized to cause to be deposited in the United States Treasury for safekeeping but subject to his control all or any part of the funds, including interest thereon, received from the issuance of money orders and postal-savings certificates, and such funds or any part thereof may be withdrawn from time to time under such regulations as may be prescribed by the Governor.

Withdrawal.

Deposit of funds in
banks.

"278. DEPOSIT OF MONEY-ORDER AND POSTAL-SAVINGS FUNDS IN BANKS; SECURITY.—The Secretary of the Treasury is hereby authorized to designate one or more national-banking associations to be depositories, under such regulations as may be prescribed by him, of funds received from the issuance of money orders and postal-savings certificates, including interest therefrom, and is hereby directed to require the associations thus designated to give satisfactory security, by the deposit of United States bonds or otherwise, for the safekeeping and prompt payment of the funds deposited with them, and such associations are authorized to give such security as may be required. All pledges of securities heretofore made for the safekeeping and prompt payment of any such funds are hereby ratified, approved, and validated.

Security for safe-
keeping, etc., of funds
deposited.

Investment of funds
in U. S. securities.

"279. INVESTMENT OF MONEY-ORDER AND POSTAL-SAVINGS FUNDS IN SECURITIES OF THE UNITED STATES.—The Governor is hereby authorized to invest all or any part of the funds referred to in the two preceding sections in bonds or other securities of the United States and to deposit such securities with the Treasurer of the United States for safekeeping, and to sell such securities, or any part of them, when such sale is necessary or desirable in the interest of the postal service. Before making such purchases or sales of securities, the Governor shall request the advice of the Secretary of the Treasury.

Prior advice of Sec-
retary of the Treasury.

Use of interest and
profits.

"280. USE OF INTEREST AND PROFITS ON MONEY-ORDER AND POSTAL-SAVINGS FUNDS.—The interest and profits received from the deposit in banks or the investment, as provided in this chapter, of money-order and postal-savings funds shall form a part of the Canal Zone postal revenues and shall be available to pay the interest on postal-savings certificates, the expenses of operating the Canal Zone postal service, and the losses which are chargeable to the said service.

Application of fore-
going provisions to
deposit money orders.

"281. APPLICATION OF FOREGOING PROVISIONS TO DEPOSIT MONEY ORDERS.—All the provisions of this chapter relating to postal-savings certificates and the funds received therefrom, including interest, shall apply equally to money orders issued in lieu of postal-savings certificates prior to the effective date of this Act, and to the funds received therefrom, including interest."

SEC. 3. That section 843 of title 5 of the Canal Zone Code is amended so as to read as follows:

Placing signs on
lands or structures.

"843. PLACING SIGNS ON LANDS OR STRUCTURES IN CANAL ZONE.—The Governor of the Panama Canal is hereby authorized to make rules and regulations in respect to the construction or placing of signs, bills, posters, or other advertising devices on any lands, build-

ings, or other structures in the Canal Zone. Any person who shall violate any provision of such rules and regulations shall be punished by a fine of not more than \$25, or by imprisonment in jail for not more than ten days, or by both; and every day that any such advertising device shall remain upon such lands or structures, in violation of such rules and regulations, shall constitute a separate offense."

SEC. 4. That section 125 of title 6 of the Canal Zone Code is amended so as to read as follows:

"125. PROCEEDINGS ON PLEA OF GUILTY.—If the defendant pleads guilty, the magistrate may hear testimony to determine the gravity of the offense and, within twenty-four hours after such plea or hearing of testimony, shall render judgment as to the punishment to be imposed."

SEC. 5. That section 521 of title 6 of the Canal Zone Code is amended so as to read as follows:

"521. WARRANT FOR EXECUTION OF JUDGMENT OF DEATH; TIME OF EXECUTION.—When judgment of death is rendered, a warrant signed by the judge and attested by the clerk, under the seal of the court, must be drawn and delivered to the marshal. It must state the conviction and judgment, and appoint a day on which judgment is to be executed, which must be not less than ninety nor more than one hundred and twenty days from the time of judgment, and must direct the marshal to deliver the defendant, within ten days from the time of judgment, to the warden of the penitentiary, for execution."

SEC. 6. That this Act shall take effect sixty days after the date of its enactment.

Approved, June 13, 1940.

Punishment.

47 Stat. 882.

Proceedings on plea of guilty.

Warrant for execution of judgment of death; time of execution.

Effective date.

[CHAPTER 359]

AN ACT

To amend section 1 of the Act providing punishment for the killing or assaulting of Federal officers.

June 13, 1940
[H. R. 7019]
[Public, No. 627]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of May 18, 1934 (ch. 299, 48 Stat. 780), as amended (U. S. C., title 18, sec. 253), be, and it is hereby, amended to read as follows:

"That whoever shall kill, as defined in sections 273 and 274 of the Criminal Code, any United States marshal or deputy United States marshal or person employed to assist a United States marshal or deputy United States marshal, any officer or employee of the Federal Bureau of Investigation of the Department of Justice, post-office inspector, Secret Service operative, any officer or enlisted man of the Coast Guard, any employee of any United States penal or correctional institution, any officer, employee, agent, or other person in the service of the customs or of the internal revenue, any immigrant inspector or any immigration patrol inspector, any officer or employee of the Department of Agriculture or of the Department of the Interior designated by the Secretary of Agriculture or the Secretary of the Interior to enforce any Act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Division of Grazing of the Department of the Interior, or any officer or employee of the Indian field service of the United States, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under section 275 of the Criminal Code."

Approved, June 13, 1940.

18 U. S. C., Supp. V, § 253.

Punishment for killing Federal officers.
18 U. S. C. §§ 452, 453.

18 U. S. C. § 454.

[CHAPTER 360]

AN ACT

June 13, 1940
[H. R. 9700]

[Public, No. 628]

To amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes.

Agricultural Adjust-
ment Act of 1938,
amendments.
"Carry-over" of to-
bacco defined.
52 Stat. 39.
7 U. S. C., Supp. V,
§ 1301 (b) (C).

Proclamation of to-
bacco marketing
quota; increase.
52 Stat. 46; 53 Stat.
1261.
7 U. S. C., Supp. V,
§ 1312 (a).

National marketing
quota, referendum.
52 Stat. 46.
7 U. S. C., Supp. V,
§ 1312 (c).
Tobacco marketing
quotas for 3-year period.

Effect of vote.

52 Stat. 47.
7 U. S. C., Supp. V,
§ 1313 (a).
Apportionment of
national marketing
quota.

Limitation on re-
duction.

Determination of
farm - acreage allot-
ments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (3) (C) of section 301 (b) of the Agricultural Adjustment Act of 1938, as amended, is amended by inserting after the comma following the words "calendar year then current" the following: "except that it shall not include any amount of such tobacco of the 1939 and 1940 crops which the Secretary determines is stored temporarily in the United States because of war or other unusual conditions delaying the normal exportation thereof, and".

SEC. 2. That subsection (a) of section 312 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the figure "10" in the last sentence and inserting in lieu thereof the figure "20", and by striking out the period at the end of the last sentence and inserting in lieu thereof a comma and the following: "or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level."

SEC. 3. That subsection (c) of section 312 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding thereto the following: "In the same referendum the Secretary shall also submit to such farmers the question of whether they favor tobacco marketing quotas for a period of three years, beginning with the marketing year next following. If two-thirds of the farmers voting on this question favor marketing quotas for a three-year period, the Secretary shall proclaim marketing quotas for such period, and, beginning on the first day of the marketing year next following and continuing throughout the period so proclaimed, a national marketing quota shall be in effect for the tobacco marketed during each marketing year in said period unless amendments are made in the provisions for determining farm allotments so as to cause material revision of such allotments before the end of such period. If more than one-third of the farmers voting on this question oppose marketing quotas for the three-year period, such results shall be proclaimed by the Secretary and quotas for a longer period than one year shall not be in effect, but such result shall in no wise affect or limit the proclamation and submission to a referendum, as otherwise provided in this section, of a national marketing quota for any marketing year thereafter."

SEC. 4. That subsection (a) of section 313 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the colon and all the words thereafter which follow the words "such five-year period" and inserting in lieu thereof a period and the following: "Notwithstanding any other provision of this section and section 312, except the provisions in subsection (g) of this section relating to reduction of allotments, for any of the three marketing years, 1941-1942 to 1943-1944, in which a national marketing quota is in effect for burley or flue-cured tobacco, such national marketing quota shall not be reduced below the 1940-1941 national marketing quota by more than 10 per centum and the farm-acreage allotments (other than allotments established in each year under subsection (g) of this section for farms on which no tobacco was produced in the last five years) shall be determined by increasing or decreasing the farm-acreage allotments established in the last preceding year in which marketing quotas were in effect in the same ratio as such national marketing

quota is increased or decreased above or below the last preceding national marketing quota: *Provided*, That in the case of flue-cured tobacco no allotment shall be decreased below the 1940 allotment if such allotment was two acres or less, and in the case of burley tobacco no allotment shall be decreased below the 1939 allotment if such allotment was one-half acre or less, or below the 1940 allotment if such allotment was over one-half acre and not over one acre: *And provided further*, That an additional acreage not in excess of 2 per centum of the total acreage allotted to all farms in each State in 1940 shall be allotted by the local committees, without regard to the ratio aforesaid, among farms in the State in accordance with regulations prescribed by the Secretary so as to establish allotments which the committees find will be fair and equitable in relation to the past acreage of tobacco (harvested and diverted); land, labor, and equipment available for the production of tobacco; and crop-rotation practices."

SEC. 5. That section 314 of the Agricultural Adjustment Act of 1938, as amended, is amended by inserting "(a)" immediately before the first word therein and by adding at the end of the section the following: "If any producer falsely identifies or fails to account for the disposition of any tobacco, an amount of tobacco equal to the normal yield of the number of acres harvested in excess of the farm-acreage allotment shall be deemed to have been marketed in excess of the marketing quota for the farm, and the penalty in respect thereof shall be paid and remitted by the producer. Tobacco carried over by the producer thereof from one marketing year to another may be marketed without payment of the penalty imposed by this section if the total amount of tobacco available for marketing from the farm in the marketing year from which the tobacco is carried over did not exceed the farm marketing quota established for the farm for such marketing year (or which would have been established if marketing quotas had been in effect for such marketing year), or if the tobacco so carried over does not exceed the normal production of that number of acres by which the harvested acreage of tobacco in the calendar year in which the marketing year begins is less than the farm-acreage allotment. Tobacco produced in a calendar year in which marketing quotas are in effect for the marketing year beginning therein shall be subject to such quotas even though it is marketed prior to the date on which such marketing year begins.

"(b) The Secretary shall require collection of the penalty upon a proportion of each lot of tobacco marketed from the farm equal to the proportion which the tobacco available for marketing from the farm in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm if satisfactory proof is not furnished as to the disposition to be made of such excess tobacco prior to the marketing of any tobacco from the farm. All funds collected pursuant to this section shall be deposited in a special deposit account with the Treasurer of the United States until the end of the marketing year next succeeding that in which the funds are collected, and upon certification by the Secretary there shall be paid out of such special deposit account to persons designated by the Secretary the amount by which the penalty collected exceeds the amount of penalty due upon tobacco marketed in excess of the farm marketing quota for any farm. Such special account shall be administered by the Secretary, and the basis for, the amount of, and the person entitled to receive a payment from such account, when determined in accordance with regulations prescribed by the Secretary, shall be final and conclusive."

Prorisos.
Limitation on decrease of allotments.

Allotment of additional acreage.

52 Stat. 48.
7 U. S. C., Supp. V,
§ 1314.
Penalties.
False identification,
etc., of tobacco by
producer.

Tobacco carried over.

Designated tobacco subject to quotas.

Collection of penalty.

Deposit of funds in special account.

Payments.

Administration.

52 Stat. 65.
7 U. S. C., Supp. V,
§ 1373 (a).
Failure to remedy
violation, additional
fine.

Proviso.
Maximum fine.
Service of notice of
violation.

SEC. 6. That subsection (a) of section 373 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the period at the end of such subsection and inserting in lieu thereof a semicolon and by adding the following: "and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required by this subsection within fifteen days after notice to him of such violation shall be subject to an additional fine of \$100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed \$5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at any established place of business operated by him, or both."

Approved, June 13, 1940.

[CHAPTER 364]

AN ACT

June 14, 1940
[H. R. 8026]
[Public, No. 629]

To establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes.

Navy.
Increase in author-
ized composition in
under-age vessels.
34 U. S. C., Supp.
V, §§ 498-498k.
Post, p. 779.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the authorized composition of the United States Navy in under-age vessels as established by the Act of May 17, 1938 (52 Stat. 401), is hereby further increased by one hundred and sixty-seven thousand tons, as follows:

Aircraft carriers.

(a) Aircraft carriers, seventy-nine thousand five hundred tons, making a total authorized under-age tonnage of two hundred and fifty-four thousand five hundred tons.

Cruisers.

(b) Cruisers, sixty-six thousand five hundred tons, making a total authorized under-age tonnage of four hundred and seventy-nine thousand and twenty-four tons.

Submarines.

(c) Submarines, twenty-one thousand tons, making a total authorized under-age tonnage of one hundred and two thousand nine hundred and fifty-six tons: *Provided*, That the foregoing total tonnage for aircraft carriers, cruisers, and submarines may be varied by thirty-three thousand four hundred tons in the aggregate so long as the sum of the total tonnages of these classes as authorized herein is not exceeded: *Provided further*, That the terms used in this or any other Act to describe vessels of designated classes shall not be understood as limited or controlled by definitions contained in any treaty which is not now in force.

Provisos.
Variance of tonnage.

Descriptive terms.

Construction.
34 U. S. C. §§ 494-
497; Supp. V, § 496.

SEC. 2. The President of the United States is hereby authorized to construct such vessels, including replacements authorized by the Act of March 27, 1934 (48 Stat. 503), as may be necessary to provide the total under-age composition authorized in section 1 of this Act.

Acquisition, etc., of
naval airplanes and
lighter-than-air craft.
Post, pp. 400, 780.

SEC. 3. The President of the United States is hereby authorized to acquire or construct naval airplanes, and lighter-than-air craft, and spare parts and equipment, as may be necessary to provide and maintain the number of useful naval airplanes at a total of not more than four thousand five hundred, including five hundred airplanes for the Naval Reserve; and the number of useful nonrigid lighter-than-air craft at a total of not more than eighteen.

Acquisition, etc., of
auxiliary vessels.

SEC. 4. The President of the United States is hereby further authorized to acquire and convert or to undertake the construction of seventy-five thousand tons of auxiliary vessels of such size, type, and design as he may consider best suited for the purposes of national defense.

SEC. 5. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary to effectuate the purposes of this Act, including not to exceed \$35,000,000 for shipbuilding ways, shipbuilding docks, and essential equipment and facilities at naval establishments for building or equipping any ship, herein or heretofore authorized, and, in addition, not to exceed \$6,000,000 for essential equipment and facilities at either private or naval establishments for the production of armor or armament: *Provided*, That equipment and facilities procured for the production of armor or armament pursuant to the authority contained herein may be leased, sold, or otherwise disposed of, in the discretion of the Secretary of the Navy, when no longer required for use under naval contract.

SEC. 6. The allocation and contracts for construction of the vessels herein authorized as well as the procurement and construction of airplanes and spare parts, shall be in accordance with the terms and conditions provided by the Act of March 27, 1934 (48 Stat. 503), as amended.

SEC. 7. Vessels of the following categories shall hereafter be deemed under age until the number of years indicated have elapsed since completion: Battleships, twenty-six years; aircraft carriers and cruisers, twenty years; other combatant surface craft, sixteen years; submarines, thirteen years.

SEC. 8. The construction, alteration, furnishing, or equipping of any naval vessel authorized by this Act, or the construction, alteration, furnishing, or equipping of any naval vessels with funds from any appropriation available for such purposes, contracts for which are made after June 30, 1940, shall be in accordance with the provisions of Public Law Numbered 846, Seventy-fourth Congress, approved June 30, 1936, unless such course, in the judgment of the President of the United States, should not be in the interest of national defense.

SEC. 9. For the purpose of modernizing the United States ships New York, Texas, and Arkansas, alterations and repairs to such vessels are hereby authorized at a total cost not to exceed the sum of \$6,000,000. This sum shall be in addition to the total appropriation expenditures for repairs and changes to each of these vessels as limited by the Act of July 18, 1935 (49 Stat. 482; U. S. C., title 5, sec. 468a).

SEC. 10. The provisions of section 4 of the Act approved April 25, 1939 (53 Stat. 590, 592), shall, during the period of any national emergency declared by the President to exist, be applicable to naval public works and naval public utilities projects in the Fourteenth Naval District for which appropriations are made or authorized: *Provided*, That the fixed fee to be paid the contractor as a result of any contract entered into under the authority contained herein, or any contract hereafter entered into under the authority contained in said Act of April 25, 1939, shall not exceed 6 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of the Navy.

SEC. 11. In the discretion of the President, there is hereby authorized and established a Naval Consulting Board of seven members to be appointed by the President, by and with the advice and consent of the Senate, from among eminent civilians in the fields of industry, science, and research, to serve during the pleasure of the President. This Board is hereby authorized to make recommendations to the Secretary of the Navy in any matter concerning the Naval Establishment and the national defense. The members thereof shall serve without compensation, but shall be reimbursed for all expenses incurred incident to their travel and employment as members of the

Appropriations authorized.

Shipbuilding ways, etc.

Equipment, etc., for production of armor, etc.

Proviso.
Disposition when no longer required.

Allocation and contracts for construction, etc.

34 U. S. C. §§ 494-497; Supp. V, § 496.

Under-age vessels.

Construction, etc., contracts made after June 30, 1940.

49 Stat. 2036.
41 U. S. C., Supp. V, §§ 35-45.

Modernization of designated ships, cost limitation.
Ante, p. 295.

5 U. S. C., Supp. V, § 468a.

Fourteenth Naval District.
Contracts on a cost-plus-a-fixed-fee basis.

Proviso.
Amount of fixed fee, limitation.
Post, p. 677.

Naval Consulting Board, establishment.

Recommendations, scope.

Compensation; expenses.

Appropriation authorized.

Board. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, not to exceed \$25,000 to effectuate the purposes of this section.

Approved, June 14, 1940.

[CHAPTER 365]

JOINT RESOLUTION

June 15, 1940
[H. J. Res. 367]
[Pub. Res., No. 83]

To authorize the Secretaries of War and of the Navy to assist the governments of American republics to increase their military and naval establishments, and for other purposes.

Assistance to governments of American republics.

Coast-defense and antiaircraft matériel.

Testing and repairing.

Plans, etc.

Construction of war vessels.

Armament, etc.

Antiaircraft artillery.

Testing and repairing.

Plans, etc.

Provisos.
Treaty violations, etc.

No expense to U. S.; restriction on credits.

Use of U. S. shipyards, etc.; contract restriction.

Information relating to arms, etc.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President may, in his discretion, authorize the Secretary of War to manufacture in factories and arsenals under his jurisdiction, or otherwise procure, coast-defense and antiaircraft matériel, including ammunition therefor, on behalf of the government of any American republic; to sell such matériel and ammunition to any such government; to test or prove such matériel and ammunition prior to sale or delivery to any such government; to repair such matériel on behalf of any such government; and to communicate to any such government plans, specifications, or other information relating to such matériel and ammunition as may be sold to any such government.

(b) The President may, in his discretion, authorize the Secretary of the Navy to construct vessels of war on behalf of the government of any American republic in shipyards under his jurisdiction; to manufacture armament and equipment for such vessels on behalf of any such government in arsenals under his jurisdiction; to sell armament and equipment for such vessels to any such government; to manufacture antiaircraft artillery and ammunition therefor, on behalf of any such government in factories and arsenals under his jurisdiction; to sell antiaircraft artillery and ammunition therefor to any such government; to test or prove such vessels, armament, artillery, ammunition, or equipment prior to sale or delivery to any such government; to repair such vessels, armament, artillery, or equipment on behalf of any such government; and to communicate to any such government plans, specifications, and other information relating to such vessels of war and their armament and equipment or antiaircraft artillery and ammunition therefor, as may be sold to any such government or relating to any vessels of war which any such government may propose to construct or manufacture within its own jurisdiction: *Provided*, That nothing contained herein shall be construed as authorizing the violation of any of the provisions of any treaty to which the United States is or may become a party or of any established principles or precedents of international law: *And provided further*, That no transaction authorized herein shall result in expense to the United States, nor involve the extension of credits by the United States: *And provided further*, That no contract shall be entered into under the terms of this joint resolution which shall interfere with or delay the United States in the full use of its shipyards, arsenals, munition plants, and other equipment for its own purposes.

SEC. 2. In carrying out transactions authorized by section 1, the Secretary of War and the Secretary of the Navy are authorized, in their discretion and provided that it be not inconsistent with any defense requirements of the United States or of its possessions, to communicate or transmit to the government of any American republic or to any duly authorized person for the use of such government information pertaining to the arms, ammunition, or implements of war sold under the terms of that section or to any vessels of war

constructed within the jurisdiction of any such government, and to export for the use of any such government coast defense and anti-aircraft matériel and ammunition therefor, and vessels of war and their armament and equipment involving such information: *Provided*, That any information thus communicated or transmitted or involved in any such arms, ammunition, implements of war, or equipment when exported shall cease to be considered restricted after one year from the date that such communication or transmission has been authorized or such exportation made.

Proviso.
Cessation of restriction.

SEC. 3. All contracts or agreements made by the Secretary of War or the Secretary of the Navy for the sale to the government of any American republic of any of the arms, ammunition, or implements of war, the sale of which is authorized by this joint resolution, shall contain a clause by which the purchaser undertakes not to dispose of such arms, ammunition, or implements of war, or any plans, specifications, or information pertaining thereto, by gift, sale, or any mode of transfer in such manner that such arms, ammunition, implements of war, or plans, specifications, or information pertaining thereto, may become a part of the armament of any state other than an American republic.

Contract requirement on disposition of arms, etc.

SEC. 4. The Secretary of War or the Secretary of the Navy, as the case may be, shall, when any arms, ammunition, implements of war, or equipment are exported pursuant to the provisions of this joint resolution, immediately inform the Secretary of State, Chairman of the National Munitions Control Board, of the quantities, character, value, terms of sale, and destination of the arms, ammunition, implements of war, or equipment so exported. Such information shall be included in the annual report of the Board.

Export data to National Munitions Control Board.

SEC. 5. (a) There is hereby authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this joint resolution.

Appropriations authorized.

(b) All moneys which may be received from the government of any American republic, in payment for any article delivered or service rendered in compliance with the provisions of this joint resolution, shall revert to the respective appropriation or appropriations out of which funds were expended in carrying out the transaction for which money is received, and such moneys shall be available for expenditure for the purpose for which such expended funds were appropriated by law, during the fiscal year in which such funds are received and the ensuing fiscal year.

Disposition of payments.

SEC. 6. The Secretary of War and the Secretary of the Navy shall in all contracts or agreements for the sale of such matériel fully protect the rights of all citizens of the United States who have patent rights in and to any such matériel which is hereby authorized to be sold and the funds collected for royalties on such patents shall be paid to the owners and holders of such patents.

Protection of patent rights of U. S. citizens.

SEC. 7. The Secretaries of War and of the Navy are hereby authorized to purchase arms, ammunition, and implements of war produced within the jurisdiction of any American republic if such arms, ammunition, or implements of war cannot be produced in the United States.

Purchase of certain arms, etc., from American republics.

Approved, June 15, 1940.

[CHAPTER 366]

AN ACT

To amend the Federal Credit Union Act (June 26, 1934, ch. 750, par. 1, 48 Stat. 1216, sec. 1761).

June 15, 1940
[S. 2568]
[Public, No. 630]

Federal Credit Union Act, amendment.
48 Stat. 1220.
12 U. S. C. § 1761
(d).
Loans in excess of \$100; maximum loans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 (d) of the Federal Credit Union Act be, and the same is hereby, amended by substituting for "\$50" where it appears in the fourth sentence thereof "\$100", so that said fourth sentence shall read as follows: "No loan in excess of \$100 shall be made without adequate security and no loan shall be made to any member in excess of \$200 or 10 per centum of the Federal credit union's paid-in and unimpaired capital and surplus, whichever is greater."

Approved, June 15, 1940.

[CHAPTER 367]

AN ACT

To facilitate and simplify national-forest administration.

June 15, 1940
[H. R. 7643]
[Public, No. 631]

National-forest administration.
Deposit of contracts, etc., in General Accounting Office.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That permits, contracts, agreements, or other instruments requiring payments into the Treasury of the United States on account of sale of national-forest products, use of national-forest land, or other sources of national-forest revenue, including contributions by cooperators in connection with authorized activities of the Forest Service, shall be exempt from the provisions of section 20, title 41, United States Code, when the permit or other instrument does not require payment to the Government in excess of \$300 in any one fiscal year.

Approved, June 15, 1940.

[CHAPTER 371]

JOINT RESOLUTION

To authorize the postponement of payment of amounts payable to the United States by the Republic of Finland on its indebtedness under agreements between that Republic and the United States dated May 1, 1923, and May 23, 1932.

June 15, 1940
[S. J. Res. 272]
[Pub. Res., No. 84]

Finland.
Optional postponement of amounts payable to U. S.

Agreement authorized.

Proviso.
Interest rate.

Annuity payments.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Republic of Finland, at its option, may postpone the payment of amounts payable to the United States of America during the period from January 1, 1940, to December 31, 1940, inclusive, under the agreements between that Republic and the United States of America dated May 1, 1923, and May 23, 1932; and, in the event of the exercise of the option herein granted, the Secretary of the Treasury is authorized to make, on behalf of the United States of America, an agreement with the Republic of Finland for the payment of the postponed amount, with interest at the rate of 3 per centum per annum beginning January 1, 1941, in ten annuities, the first to be paid during the calendar year beginning January 1, 1941, and one during each of the nine calendar years following, each annuity payment to be payable in one or more installments: *Provided, however,* That the amounts postponed shall bear interest at the rate of 3 per centum per annum from the date payment of such amounts was postponed to January 1, 1941.

SEC. 2. The agreement authorized in the first section of this joint resolution shall be in such form that annuity payments thereunder shall, unless otherwise provided in such agreement, (1) be in accordance with the agreement with the Republic of Finland dated May 1, 1923, and (2) be subject to the same terms and conditions as payment under the agreement dated May 1, 1923.

Approved, June 15, 1940.

[CHAPTER 372]

AN ACT

Granting the consent of Congress to the States of Montana, North Dakota, and Wyoming to negotiate and enter into a compact or agreement for division of the waters of the Yellowstone River.

June 15, 1940

[S. 1759]

[Public, No. 632]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress approved August 2, 1937 (50 Stat. 551), granting the consent of Congress to the States of Montana and Wyoming to negotiate and enter into a compact or agreement for division of the waters of the Yellowstone River be, and it is hereby, amended to provide that the consent of Congress is given to the State of North Dakota to negotiate and to enter into the compact or agreement therein authorized providing for an equitable division and an apportionment between the States of the water supply of the Yellowstone River and of the streams tributary thereto, upon condition that the representative appointed by the President of the United States under the Act of August 2, 1937, to participate in said negotiations as the representative of the United States and to report to Congress of proceedings and of any compact or agreement entered into, shall continue to represent the United States and to report under this Act: *Provided*, That such Act of August 2, 1937, is amended by striking out "June 1, 1939" and inserting in lieu thereof "June 1, 1943": *Provided*, That such compact or agreement shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislatures of each of the said States and by the Congress of the United States: *Provided further*, That nothing in this Act shall apply to any waters within or tributary to the Yellowstone National Park or shall establish any right or interest in or to any lands within the boundaries thereof.

Yellowstone River.
Consent given to N.
Dak. to negotiate, etc.,
for division of waters.

Federal representa-
tive; report to Con-
gress.

Provisos.
Time extension.

Approval.

Yellowstone Na-
tional Park, nonappli-
cation to waters with-
in, etc.

Approved, June 15, 1940.

[CHAPTER 373]

AN ACT

To require the payment of prevailing rates of wages on Federal public works in Alaska and Hawaii.

June 15, 1940

[S. 3650]

[Public, No. 633]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1931 (46 Stat. 1494), as amended, is further amended by striking out the words "States of the Union or the District of Columbia" and inserting in lieu thereof "States of the Union, the Territory of Alaska, the Territory of Hawaii, or the District of Columbia"; and by striking out the words "or other civil subdivision of the State" and inserting in lieu thereof "or other civil subdivision of the State, or the Territory of Alaska, or the Territory of Hawaii".

Alaska and Hawaii.
Wage rates on pub-
lic works.

40 U. S. C. § 276a;
Supp. V, § 276a.

SEC. 2. The amendments made by this Act shall take effect on the thirtieth day after the date of enactment of this Act, but shall not affect any contract in existence on such effective date or made thereafter pursuant to invitations for bids outstanding on the date of enactment of this Act.

Effective date.
Certain contracts
not affected.

Approved, June 15, 1940.

[CHAPTER 374]

AN ACT

June 15, 1940
[H. R. 6044]
[Public, No. 634]

To regulate the number of warrant and commissioned warrant officers in the Marine Corps.

Marine Corps.
Number of war-
rant, etc., officers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the number of warrant and commissioned warrant officers in the Marine Corps and their distribution in the warrant and commissioned warrant grades shall be as the President may from time to time deem necessary.

Approved, June 15, 1940.

[CHAPTER 375]

AN ACT

June 15, 1940
[H. R. 9848]
[Public, No. 635]

To authorize the construction or acquisition of naval aircraft, the construction of certain public works, and for other purposes.

Navy.
Acquisition, etc., of
naval aircraft.
Ante, p. 394; *post*, p.
780.

Maximum number.

Training facilities.

Proviso.
Responsibility of
Secretary.

Establishment, etc.,
of naval aviation facil-
ities.

Designated projects.

Provisos.
Variation in cost;
limitation.

Additional to prior
authorizations.

Report to Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized to acquire or construct naval airplanes and nonrigid lighter-than-air craft, and spare parts and equipment, as may be necessary to provide and maintain the number of useful naval airplanes at a total of not more than ten thousand, including eight hundred fifty airplanes for the Naval Reserve, and the number of useful nonrigid lighter-than-air craft at a total of not more than forty-eight. He is also authorized to provide such training facilities as may, in his judgment, be necessary for sixteen thousand naval aviators and enlisted pilots: *Provided*, That nothing herein shall be construed to limit or affect the responsibility of the Secretary of the Navy as defined in the Act of July 12, 1921 (42 Stat. 141; U. S. C., title 34, sec. 732).

SEC. 2. The Secretary of the Navy is hereby authorized to establish, develop, or increase naval aviation facilities, with which shall be included the authority to purchase, accept by gift, or otherwise acquire land and to construct buildings and accessories, with approximate costs as indicated, at or in the vicinity of Norfolk, Virginia, \$13,246,000; San Juan, Puerto Rico, \$2,330,000; Coco Solo, Canal Zone, \$12,690,000; Seattle, Washington, \$4,670,000; Kodiak, Alaska, \$2,012,000; Hawaiian Islands, \$6,385,000; Midway Island, \$1,870,000; Wake Island, \$5,582,000; Johnston Island, \$460,000; Quonset Point, Rhode Island, \$24,204,000; Quantico, Virginia, \$2,326,000; Guantánamo, Cuba, \$2,886,000; Charlotte Amalie, Virgin Islands, \$1,510,000; San Diego, California, \$5,637,000; Alameda, California, \$6,861,000; Unalaska, Alaska, \$2,963,000; Canton Island, \$1,500,000; Tongue Point, Oregon, \$2,000,000; Corpus Christi, Texas, \$25,000,000; at such localities within the continental limits of the United States as may, in his judgment, be necessary for the Naval Reserve, which authority shall also include the acquisition of existing facilities, \$10,000,000; and in such vicinities as he may, in his discretion, deem advisable for other auxiliary air bases, \$10,000,000: *Provided*, That the approximate cost indicated for each project enumerated above may, in the discretion of the Secretary of the Navy, be varied upward or downward by an amount not to exceed 25 per centum of the approximate cost indicated, but the total cost shall not exceed \$144,132,000: *Provided further*, That this shall be in addition to all authorizations heretofore made for projects in these vicinities: *And provided further*, That the Secretary of the Navy shall report to the Congress, at the beginning of each regular session, the extent to which he has exercised the

authority herein contained with respect to Naval Reserve aviation and the location of those facilities left to his discretion.

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary to effectuate the purposes of this Act.

Appropriation au-
thorized.

SEC. 4. The provisions of section 4 of the Act approved April 25, 1939 (53 Stat. 590, 592), shall be applicable to all facilities authorized by this Act, including facilities located within the continental limits of the United States: *Provided*, That the fixed fee to be paid the contractor as a result of any contract entered into under the authority contained herein shall not exceed 6 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of the Navy.

Contracts on a cost-
plus-a-fixed-fee basis,
authorized.

Proviso.
Amount of fixed fee,
limitation.
Post, p. 677.

SEC. 5. The Secretary of the Navy is hereby authorized to continue the employment, in the District of Columbia and elsewhere, of such employees now carried on the rolls as will be required for the preparation of plans and specifications and administrative work in connection with the public-works and public-utilities projects authorized by this Act, or heretofore otherwise authorized.

Continuation of em-
ployment of certain
employees.

SEC. 6. The Secretary of the Navy is hereby authorized to proceed with the construction of the following public-works projects at a cost not to exceed the amount stated after each item enumerated:

Construction of des-
ignated public-works
projects.
Ante, p. 280.

Navy Yard, Pearl Harbor, Hawaii: Temporary storehouses and accessories, \$1,000,000.

Naval Station, Guantanamo, Cuba: Defense facilities, including buildings and accessories, \$1,500,000.

Net and ammunition-storage facilities: Naval net depots and ammunition storage, including buildings and accessories and the acquisition of land, \$6,262,362.

Naval Air Station, Pensacola, Florida: Development of aviation facilities for training, including buildings and accessories, and acquisition of land, \$4,000,000.

Naval Air Station, Miami, Florida: Development of aviation facilities for training, including buildings and accessories, and acquisition of land, \$3,500,000.

Naval Air Station, Jacksonville-Banana River, Florida: Development of aviation facilities for training, including buildings and accessories, and acquisition of land, \$9,500,000.

Naval Air Station, Jacksonville, Florida: Trade schools, including buildings and accessories, \$3,000,000.

Temporary housing, including extension of existing structures and facilities, for Marine Corps personnel, \$4,500,000.

Temporary housing for hospital facilities, \$600,000.

Approved, June 15, 1940.

[CHAPTER 389]

JOINT RESOLUTION

Authorizing the Bureau of Labor Statistics to collect information as to amount and value of all goods produced in State and Federal Prisons.

June 17, 1940
[S. J. Res. 59]
[Pub. Res., No. 85]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of furnishing information to the Congress regarding the amount of goods produced in State and Federal prisons, the Bureau of Labor Statistics of the United States Department of Labor is authorized and directed to collect information concerning the character, kind, type, amount, and value of all goods produced in State and Federal

Collection of infor-
mation regarding pris-
on-made goods.

Appropriation au-
thorized.
Post, p. 1043.
Report to Congress.

prisons, showing separately the amount and value of goods produced under the State-use, State-account, contract, and piece-price systems.

For the purpose of making this study, there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of \$20,000. The Commissioner of Labor Statistics is directed to submit the report to the Congress on or before May 1, 1941.

Approved, June 17, 1940.

[CHAPTER 390]

AN ACT

June 17, 1940
[S. 3683]
[Public, No. 636]

To extend the time limit for cooperation between the Bureau of Reclamation and the Farm Security Administration in the development of farm units on public lands under Federal reclamation projects.

Development of
farm units on public
lands.
53 Stat. 1238.
43 U. S. C., Supp.
V, § 433 (note).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 7, 1939 (Public, Numbered 307, Seventy-sixth Congress, first session), is hereby amended by striking out "during the fiscal year 1940," and by inserting "during the fiscal year 1941,".

Approved, June 17, 1940.

[CHAPTER 391]

AN ACT

June 17, 1940
[H. R. 2417]
[Public, No. 637]

To facilitate the control of soil erosion and/or flood damage originating upon lands within the exterior of boundaries of the Sequoia National Forest, California.

Sequoia National
Forest, Calif.
Acquisition of lands
in, for soil erosion,
etc., control.
36 Stat. 962.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands, or interests therein, within the boundaries of the Sequoia National Forest, in the State of California, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands, or interest therein, from the entire receipts from the occupancy of public land or the sale of national resources, other than mineral, within the Sequoia National Forest, which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired: *Provided,* That any appropriated amounts which are unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year and amounts so transferred and such part of the entire receipts of any fiscal year as are not appropriated shall be disposed of in like manner as other national-forest receipts.

Approved, June 17, 1940.

Payment.

Appropriation au-
thorized.

Proviso.
Transfer of unex-
pended appropria-
tions.

[CHAPTER 392]

AN ACT

June 17, 1940
[H. R. 2418]
[Public, No. 638]

To extend the provisions of the Forest Exchange Act, as amended, to certain lands, so that they may become parts of the Whitman, Malheur, or Umatilla National Forests.

Whitman, Malheur,
or Umatilla National
Forests, Oreg.
Exchange of certain
lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any lands in private, State, or county ownership within the following described area, which are found by the Secretary of Agriculture to be chiefly

valuable for national forest purposes, may be offered in exchange under the provisions of the Act approved March 20, 1922, as amended (U. S. C., title 16, secs. 485, 486), and upon acceptance of title shall become parts of the Whitman, Malheur, or Umatilla National Forests, Oregon, and shall thereafter be subject to the laws, rules, and regulations applicable to national forests: *Provided*, That such exchanges are approved by the board of county commissioners of the county or counties in which said lands are situated.

42 Stat. 465.

Proriso.
Approval by county
commissioners.

Whitman National
Forest.

To the Whitman National Forest: The east half of section 1; the southeast quarter of section 11; the south half and the northeast quarter of section 12; section 13; the east half of section 14; the east half of section 23; sections 24, 25, 26, 35, and 36; township 1 north, range 40 east.

Sections 6, 7, 18, 19, 30, and 31; township 1 north, range 41 east.

The south half of section 12; section 13; the east half of section 14; sections 23, 24, 25, 26, 35, and 36; township 1 south, range 39 east.

Sections 1, 2, 3, 4, and 5; the south half of section 6; sections 7 to 36, inclusive; township 1 south, range 40 east.

Section 1; township 2 south, range 39 east.

Sections 5 and 6; the north half of section 7; sections 8 and 16; the southwest quarter of section 35; township 2 south, range 40 east.

The east half of section 11; the southwest quarter of section 12; section 13; the east half of section 14; the east half of section 23; sections 24, 25, and 26; the east half of section 27; sections 35 and 36; township 3 south, range 40 east.

The west half of section 30; section 31; the southwest quarter of section 32; township 3 south, range 41 east.

Sections 5, 8, 9, 10, 11, 14, and 23; township 4 south, range 38 east.

Section 1; the east half of section 2; the east half and the northwest quarter of section 12; the northeast quarter of section 13; township 4 south, range 40 east.

Sections 5, 6, 7, and 8; the west half of section 9; sections 16 to 21, inclusive, and 28 to 33, inclusive; the west half of section 34; township 4 south, range 41 east.

Section 36; township 5 south, range 37 east.

Sections 2, 3, 10, 11, 14, 15, 16, 22, 23, 26, and 27; the east half of section 28; the southwest quarter of section 31; sections 33, 34, and 35; township 5 south, range 38 east.

The south half of section 1; the south half of section 2; sections 11, 12, 13, and 14; the east half of section 23; sections 24 and 25; the east half of section 26; township 5 south, range 40 east.

The west half of section 3; sections 4 to 10, inclusive; the southwest quarter of section 14; sections 15 to 36, inclusive; township 5 south, range 41 east.

Section 19; the north half of section 30; township 5 south, range 42 east.

Sections 31 and 32; portions of sections 33, 34, 35, and 36, which lie south of the North Fork John Day River; township 6 south, range 31 east.

Sections 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, 31, and 32; township 6 south, range 38 east.

Sections 1 to 6, inclusive, and 8 to 12, inclusive; township 6 south, range 41 east.

Section 1; portions of sections 2, 3, 4, 5, and 6, which lie south of North Fork John Day River; sections 7 to 25, inclusive; township 7 south, range 30 east.

Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33; township 7 south, range 38 east.

Section 3; township 8 south, range 31 east.

The south half of section 3; section 4; the north half of section 5; sections 9, 10, 11, 14, 15, 16, 21, 22, 23, 26, 27, 28, and 35; township 8 south, range 38 east.

Section 1; township 9 south, range 38 east.

The north half of section 8; township 9 south, range 39 east.

The south half of section 2; the southwest quarter of section 4; the southwest quarter of section 10; the south half of section 23; section 25; township 10 south, range 37 east.

The south half of section 29; the south half of section 30; township 10 south, range 38 east.

The east half, the southeast quarter of the northwest quarter and the southwest quarter of section 3; sections 16 and 21; the west half of section 28; section 33; township 10 south, range 39 east.

Sections 31, 32, and 33; township 11 south, range 37 east.

The north half of section 10; the west half of section 11; the north half, the south half of the south half, and the north half of the southeast quarter of section 30; township 11 south, range 39 east.

Section 1; the south half of section 2; the southwest quarter of section 4; the southeast quarter of section 5; the east half of section 8; sections 9, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36; township 11 south, range 40 east.

The south half of section 2; the south half of section 3; section 7; the west half of section 8; sections 10 to 21, inclusive; the west half of section 22; the north half of section 28; sections 29, 30, 31, and 32; township 11 south, range 41 east.

Sections 1, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, and 24; the north half of section 29; township 12 south, range 32 east.

Sections 1 to 12, inclusive; sections 17, 18, and 19; the north half of section 30; township 12 south, range 33 east.

Sections 7 and 8; the northwest quarter and the south half of section 9; the south half of section 10; the west half of section 15; sections 16, 17, 18, 20, and 21; the west half of section 22; sections 27 and 34; township 12 south, range 34 east.

Section 16; the northeast quarter of section 17; the north half of section 21; sections 22, 26, 27, 34, and 35; township 12 south, range 36 east.

Sections 5, 6, 7, and 8; township 12 south, range 37 east.

The northeast quarter of section 4; township 12 south, range 39 east.

Sections 1, 2, 3, 10, and 11; the north half of section 12; the west half of section 15; the north half of section 19; the north half of section 20; the north half of section 21; the northwest quarter of section 22; township 12 south, range 40 east.

Sections 6 and 7; township 12 south, range 41 east.

Sections 1 and 2; the north half of section 3; sections 11, 12, and 13; the north half of section 14; the north half of section 24; township 13 south, range 34 east.

The west half of section 19; the northwest quarter of section 30; the west half of section 31; township 13 south, range 35 east.

The north half of section 2; sections 3, 10, 15, 16, 22, 27, and 34; township 13 south, range 36 east.

To the Malheur National Forest:

Sections 14, 15, 16, and 23; the west half of section 26; the west half of section 35; township 9 south, range 31 east.

The south half of section 27; sections 31, 32, 33, and 34; township 9 south, range 32 east.

Sections 1 and 2; township 10 south, range 31 east.

The west half of the west half of section 4; section 5; the north half of section 6; township 10 south, range 32 east.

Sections 31 and 32; the south half of section 33; the south half of section 34; the south half of section 35; township 11 south, range 29 east.

The south half of section 10; the north half of section 15; section 16; the east half of section 29; the south half of section 32; township 11 south, range 30 east.

To the Umatilla National Forest:

Umatilla National Forest.

Sections 13, 14, 15, 16, 21, and 22; the west half of section 28; the west half of section 33; township 1 north, range 38 east.

Sections 2, 3, 8, 9, 10, 11, 15, 16, and 17; township 2 north, range 39 east.

The south half of section 13; sections 23, 24, and 34; township 3 north, range 39 east.

Sections 19, 20, 21, and 22; the northwest quarter of section 29; section 30; township 3 north, range 40 east.

All Willamette base and meridian.

Approved, June 17, 1940.

[CHAPTER 393]

AN ACT

To amend the Act entitled "An Act to authorize the city of Pierre, South Dakota, to construct, equip, maintain, and operate on Farm Island, South Dakota, certain amusement and recreational facilities; to charge for the use thereof; and for other purposes", approved August 16, 1937.

June 17, 1940
[H. R. 6446]
[Public, No. 639]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act to authorize the city of Pierre, South Dakota, to construct, equip, maintain, and operate on Farm Island, South Dakota, certain amusement and recreational facilities; to charge for the use thereof; and for other purposes", approved August 16, 1937, is amended to read as follows:

Pierre, S. Dak.
Farm Island amusement, etc., facilities.

50 Stat. 649.

"SEC. 3. The enterprises authorized to be operated on Farm Island by the provisions of the first section of this Act shall be owned and operated by the city of Pierre or by concessionaires of such city. All funds derived by such city from the operation of such enterprises and from the granting of concessions for the operation of such enterprises shall be maintained by such city in a separate fund and shall be used exclusively for the purpose of maintaining, developing, and policing Farm Island."

Municipal or concessionaire ownership of enterprises.

Use of funds received.

SEC. 2. Section 4 of such Act is amended by adding at the end thereof the following: "Nothing in this Act shall be deemed to prohibit such city, such State, or any agency of the United States performing functions on such island from removing therefrom, by such means as it may deem appropriate or advisable, such wild animals and wild birds (except migratory birds for the removal of which a permit has not been issued pursuant to the provisions of the Migratory Bird Treaty Act) as may become detrimental to the maintenance of said island as a wild-game refuge, park, or forest."

50 Stat. 649.
Removal of undesirable wild animals, etc.

40 Stat. 755.
16 U. S. C. §§ 703-711; Supp. V, §§ 703-709a.

Approved, June 17, 1940.

[CHAPTER 395]

AN ACT

June 18, 1940
[H. R. 8745]
[Public, No. 640]

Making appropriations for the Department of the Interior for the fiscal year ending June 30, 1941, and for other purposes.

Interior Department
Appropriation
Act, 1941.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior for the fiscal year ending June 30, 1941, namely:

OFFICE OF THE SECRETARY

SALARIES

Salaries.

Provisos.
Salary restriction.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

Restriction not ap-
plicable in designated
cases.
42 Stat. 1490.
5 U. S. C. § 666.

Radio broadcasts.
Restriction on use
of funds.

Salaries: For the Secretary of the Interior, Under Secretary, First Assistant Secretary, Assistant Secretary, and other personal services in the District of Columbia, \$874,950: *Provided*, That in expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the First Assistant Secretary and the Assistant Secretary, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated: *Provided*, That no part of the appropriation made available to the office of the Secretary by this section shall be used for the broadcast of radio programs designed for or calculated to influence the passage or defeat of any legislation pending before the Congress.

OFFICE OF SOLICITOR

Personal services.

Consumers' Coun-
sel Division.
Salaries and ex-
penses.

15 U. S. C., Supp.
V, § 829b.

For personal services in the District of Columbia and in the field (except Consumers' Counsel Division), \$314,340.

Consumers' Counsel Division, salaries and expenses: For all necessary expenditures of the Consumers' Counsel Division, in performing the duties devolving upon said Consumers' Counsel Division by the Bituminous Coal Act of 1937, approved April 26, 1937 (50 Stat. 72), including witness fees and mileage for witnesses appearing in behalf of the Division before the Bituminous Coal Division and including witnesses before the Interstate Commerce Commission, personal services and rent in the District of Columbia and elsewhere,

traveling expenses, including not to exceed \$3,000 for expenses of attendance at meetings at which matters of importance to the work of the Consumers' Counsel Division are to be discussed, printing and binding, contract stenographic reporting services, stationery and office supplies and equipment, and not to exceed \$1,000 for newspapers, books, and periodicals, \$145,706.

DIVISION OF TERRITORIES AND ISLAND POSSESSIONS

For personal services in the District of Columbia, \$118,780.

Personal services.

DIVISION OF INVESTIGATIONS

For investigating official matters under the control of the Department of the Interior; for protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; for protecting public lands from illegal and fraudulent entry or appropriation; for adjusting claims for swamplands and indemnity for swamplands; and for traveling and other expenses of persons employed hereunder, \$470,000, including not exceeding \$42,370 for personal services in the District of Columbia; not exceeding \$52,500 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles and motorboats for the use of agents and others employed in the field service. The Secretary of the Interior shall include in his annual report a full statement of all expenditures made under authority of this paragraph.

Investigation of official matters; timber protection, etc.

Statement of expenditures.

GRAZING SERVICE

For carrying out the provisions of the Act entitled "An Act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes", approved June 28, 1934 (48 Stat. 1269), and as amended by the Acts of June 26, 1936 (49 Stat. 1976), and July 14, 1939 (53 Stat. 1002), including examination and classification of lands with respect to grazing or agricultural utility, preparation of land classification maps and reports, traveling and other necessary expenses, payments for the cost of packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station, under regulations to be prescribed by the Secretary of the Interior, not to exceed \$100,160 for personal services in the District of Columbia, not to exceed \$30,000 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles, and not to exceed \$1,000 for expenses of attendance at meetings concerned with the work of the Grazing Service when authorized by the Secretary of the Interior, \$680,000; for payment of a salary of \$5 per diem while actually employed and for the payment of necessary travel expenses, exclusive of subsistence, of members of advisory committees of local stockmen, \$70,000; in all, \$750,000.

Grazing Service, expenses.

43 U. S. C. §§ 315-315n; Supp. V, §§ 315-315o-1.

Classification of lands, etc.

Personal services.

Advisory committees of local stockmen.

For construction, purchase, and maintenance of range improvements within grazing districts, pursuant to the provisions of sections 10 and 11 of the Act of June 28, 1934 (48 Stat. 1269), and as amended by the Acts of June 26, 1936 (49 Stat. 1976), and July 14, 1939 (53 Stat. 1002), and not including contributions under section 9 of the Act of June 28, 1934, and for the leasing of State, county, and privately owned lands as provided under the Act of June 23, 1938 (52 Stat. 1033), \$250,000: *Provided*, That expenditures hereunder shall not exceed 25 per centum of all moneys received from grazing districts under the provisions of said Act of June 28, 1934, as amended, during the fiscal years 1940 and 1941.

Range improvements.

43 U. S. C. §§ 315i, 315j; Supp. V, §§ 315i, 315j, 315o-1.
43 U. S. C. § 315h.

43 U. S. C., Supp. V, § 315m-1.
Proviso.
Limitation.

PETROLEUM CONSERVATION DIVISION

Oil regulation and enforcement.
15 U. S. C., Supp. V, §§ 715-715f.

Personal services.

Attendance at meetings.

Printing and binding.

Vehicles.

Salaries and expenses, oil regulation and enforcement: For administering and enforcing the provisions of the Act approved February 22, 1935 (49 Stat. 30), entitled "An Act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes", as amended, and to include necessary personal services in the District of Columbia (not to exceed \$43,000), and elsewhere without regard to the civil-service laws and regulations, traveling expenses, contract stenographic reporting services, rent, stationery, and office supplies, not to exceed \$1,000 for necessary expenses of attendance at meetings and conferences concerned with the work of petroleum conservation when authorized by the Secretary of the Interior, not to exceed \$3,100 for printing and binding, not to exceed \$600 for books, newspapers, and periodicals, and not to exceed \$14,000 for the purchase, exchange, hire, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, \$255,000.

BITUMINOUS COAL DIVISION

Salaries and expenses.
Post, p. 1040.
15 U. S. C., Supp. V, §§ 828-851.

50 Stat. 86.
15 U. S. C., Supp. V, § 838.
Vehicles.

Salaries and expenses: For all necessary expenditures of the Bituminous Coal Division in carrying out the purposes of the Bituminous Coal Act of 1937, approved April 26, 1937 (50 Stat. 72), including personal services and rent in the District of Columbia and elsewhere; traveling expenses, including expenses of attendance at meetings which, in the discretion of the Secretary of the Interior, are necessary for the efficient discharge of the responsibilities of the Division; contract stenographic reporting services; stationery and office supplies; purchase, rental, exchange, operation, maintenance, and repair of reproducing, photographing, and other such equipment, typewriters, calculating machines, mechanical tabulating equipment, and other office appliances and labor-saving devices; printing and binding; witness fees and fees and mileage in accordance with section 8 of the Bituminous Coal Act of 1937; not to exceed \$4,500 for hire, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles including one for use in the District of Columbia; garage rentals; miscellaneous items, including those for public instruction and information deemed necessary; and not to exceed \$1,800 for purchase and exchange of newspapers, lawbooks, reference books, and periodicals, \$2,250,000.

CONTINGENT EXPENSES, DEPARTMENT OF THE INTERIOR

Department contingent expenses.

For contingent expenses of the office of the Secretary and the bureaus and offices of the Department (except the Bureau of Biological Survey); furniture, carpets, ice, lumber, hardware, dry goods, advertising, teletype rentals and service, telegraphing, telephone service, including personal services of temporary or emergency telephone operators; streetcar fares for use by messengers not exceeding \$150; expressage, diagrams, awnings, filing devices, typewriters, adding and addressing machines, and other labor-saving devices, including the repair, exchange, and maintenance thereof; constructing model and other cases and furniture; postage stamps to prepay postage on foreign mail and for special-delivery and air-mail stamps for use in the United States; traveling expenses, including necessary expenses of inspectors and attorneys; fuel and light; examination of estimates for appropriations in the field for any bureau, office, or service of the Department; not exceeding \$500 for the payment of damages caused to private property by Department motor vehicles; purchase and exchange of motortrucks, motorcycles, and bicycles,

maintenance, repair, and operation of three motor-propelled passenger-carrying vehicles and motortrucks, motorcycles, and bicycles to be used only for official purposes; expense of taking testimony and preparing the same in connection with disbarment proceedings instituted against persons charged with improper practices before the Department, its bureaus and offices; expense of translations, and not exceeding \$1,000 for contract stenographic reporting services; not exceeding \$700 for newspapers; stationery, including tags, labels, index cards, cloth-lined wrappers, and specimen bags, printed in the course of manufacture, and such printed envelopes as are not supplied under contracts made by the Postmaster General, for the Department and its several bureaus and offices, and other absolutely necessary expenses not hereinafter provided for, \$129,160; and, in addition thereto, sums amounting to \$55,900 for stationery supplies shall be deducted from other appropriations made for the fiscal year 1941 as follows: General Land Office, \$3,500; Geological Survey, \$8,500; Freedmen's Hospital, \$2,000; Saint Elizabeths Hospital, \$2,500; National Park Service, \$12,500; Bureau of Reclamation, \$8,400, any unexpended portion of which shall revert and be credited to the reclamation fund; Division of Investigations, \$2,000; Bureau of Mines, \$11,500; Grazing Service, \$5,000; and said sums so deducted shall be credited to and constitute, together with the first-named sum of \$129,160, the total appropriation for contingent expenses for the Department and its several bureaus and offices (except the Bureau of Biological Survey) for the fiscal year 1941.

Stationery supplies.
Additional sums
from specified appro-
priations.

For the purchase or exchange of professional and scientific books, law and medical books, and books to complete broken sets, periodicals, directories, and other books of reference relating to the business of the Department, \$800, and in addition there is hereby made available from any appropriations made for any of the following bureaus or offices of the Department not to exceed the following respective sums: Indian Service, \$500; Bureau of Reclamation, \$6,000; Geological Survey, \$6,000; National Park Service, \$2,200; General Land Office, \$500; Bureau of Mines, \$4,000; Bureau of Fisheries, \$500.

Purchase of books,
etc.

Additional sums
from specified appro-
priations.

PRINTING AND BINDING

For printing and binding for the Department of the Interior, \$287,180, of which \$92,005 shall be for the National Park Service, \$85,290 for the Bureau of Mines, and \$27,500 for the Bureau of Biological Survey, including the publication of bulletins which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of the bulletins to be delivered to or sent out under addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they may direct.

Printing and bind-
ing.

Publication of bulle-
tins.

COMMISSION OF FINE ARTS

For expenses made necessary by the Act entitled "An Act establishing a Commission of Fine Arts", approved May 17, 1910 (40 U. S. C. 104), including the purchase of periodicals, press clippings, maps, and books of reference, and payment of actual traveling expenses of the members and secretary of the Commission in attending meetings and committee meetings of the Commission either within or outside of the District of Columbia, to be disbursed on vouchers approved by the Commission, \$9,700, of which amount not to exceed \$6,480 may be expended for personal services in the District of Columbia.

Expenses.
36 Stat. 371.

Personal services.

For all printing and binding for the Commission of Fine Arts, \$300.

Printing and bind-
ing.

Total, Commission of Fine Arts, \$10,000.

WAR MINERALS RELIEF COMMISSION

Administrative ex-
penses.

40 Stat. 1274.

Personal services.

Proviso.
Undisposed-of
claims.

Administrative expenses: For administrative expenses made necessary by section 5 of the Act entitled "An Act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes", approved March 2, 1919 (40 Stat. 1272), including personal services, without regard to the civil-service laws and regulations; traveling and subsistence expenses; supplies and all other expenses incident to the proper prosecution of this work, both in the District of Columbia and elsewhere, \$11,200: *Provided*, That any claim that has not been prosecuted and disposed of prior to July 1, 1941, shall not thereafter be considered by the Secretary of the Interior and shall be barred.

BONNEVILLE POWER ADMINISTRATION

Expenses.
Post, p. 1040.

16 U. S. C., Supp.
V, §§ 832-832i.

Personal services.

Proviso.
Availability; ac-
counting.

For all expenses necessary to enable the Bonneville Power Administrator to exercise and perform the powers and duties imposed upon him by the Act "To authorize the completion, maintenance, and operation of the Bonneville project, for navigation and for other purposes", approved August 20, 1937 (50 Stat. 731), including personal services, travel expenses, purchase and exchange of equipment, printing and binding, and purchase and exchange (including one at not to exceed \$1,200), maintenance, and operation of motor-propelled passenger-carrying vehicles, \$6,650,000, of which amount \$8,200 shall be available for personal services in the District of Columbia and \$641,800 shall be available for expenses of marketing and transmission facilities, and administrative costs in connection therewith: *Provided*, That this appropriation and the unexpended balances of appropriations and allotments heretofore made for the construction of the power distribution system shall be available until expended and shall be accounted for as one fund entitled "Construction, Operation, and Maintenance, Bonneville Power Transmission System".

UNITED STATES HIGH COMMISSIONER TO THE
PHILIPPINE ISLANDS

Maintenance of
office.
Post, p. 1040.
48 Stat. 461.
48 U. S. C. § 1237;
Supp. V, §§ 1237a-1237c.

Traveling expenses.

Provisos.
Salary of legal ad-
viser, etc.
Minor purchases.

For the maintenance of the office of the United States High Commissioner to the Philippine Islands as authorized by subsection 4 of section 7 of the Act approved March 24, 1934 (48 Stat. 456), including salaries and wages; rental, furnishings, equipment, maintenance, renovation, and repair of office quarters and living quarters for the High Commissioner; supplies and equipment; purchase and exchange of lawbooks and books of reference, periodicals, and newspapers; traveling expenses, including for persons appointed hereunder within the United States and their families, actual expenses of travel and transportation of household effects from their homes in the United States to the Philippine Islands, and return, utilizing Government vessels whenever practicable; operation, maintenance, and repair of motor vehicles, and all other necessary expenses, \$154,000, of which amount not exceeding \$10,000 shall be available for expenditure in the discretion of the High Commissioner for maintenance of his household and such other purposes as he may deem proper: *Provided*, That the salary of the legal adviser and the financial expert shall not exceed the annual rate of \$10,000 and \$9,000 each, respectively: *Provided further*, That section 3709 of the Revised Statutes (41 U. S. C. 5), shall not apply to any purchase or service rendered under this appropriation when the aggregate amount involved does not exceed the sum of \$100.

GENERAL LAND OFFICE

SALARIES

For Commissioner of the General Land Office and other personal services in the District of Columbia, \$762,000, including one clerk, who shall be designated by the President, to sign land patents.

Transcribing records: For special personal services in the District of Columbia to transcribe worn and defaced records of the General Land Office, \$10,000.

Binding records: For personal services in the District of Columbia, purchase and maintenance of equipment, and all other expenses requisite for and incidental to the operation and maintenance of a branch of the Government Printing Office in the Interior Building, to bind, rebind, and repair books of record in the General Land Office, to be expended under the supervision of the Public Printer, \$10,000.

Salaries.

Transcribing records.

Binding records.

GENERAL EXPENSES

For traveling expenses of officers and employees, including not to exceed \$1,000 for expenses of attendance at meetings concerned with the work of the General Land Office when authorized by the Secretary of the Interior; for employment of stenographers and other assistants when necessary, for separate maps of public-land States and Alaska; for the reproduction by photolithography or otherwise of official plats of surveys; for expenses of restoration to the public domain of lands in forest reserves and of lands temporarily withdrawn for forest-reserve purposes; and for expenses of hearings or other proceedings held by order of the General Land Office to determine the character of lands, whether alleged fraudulent entries are of that character or have been made in compliance with the law, and of hearings in disbarment proceedings, \$17,500.

For United States maps, prepared in the General Land Office, \$10,000, to be immediately available, all of which maps shall be delivered to the Senate and House of Representatives, except 10 per centum, which shall be delivered to the Commissioner of the General Land Office for official purposes. All maps delivered to the Senate and House of Representatives hereunder shall be mounted with rollers ready for use.

Surveying public lands: For surveys and resurveys of public lands, examination of surveys heretofore made and reported to be defective or fraudulent, inspecting mineral deposits, coal fields, and timber districts, making fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States, under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, \$893,880, including not to exceed \$5,000 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles: *Provided*, That not to exceed \$5,000 of this appropriation may be expended for salaries of employees of the field surveying service temporarily detailed to the General Land Office: *Provided further*, That not to exceed \$10,000 of this appropriation may be used for the survey, classification, and sale of the lands and timber of the so-called Oregon and California Railroad lands and the Coos Bay Wagon Road lands: *Provided further*, That this appropriation may be expended for surveys made under the supervision of the Commissioner of the General Land Office, but when expended for surveys that would not otherwise be chargeable hereto it shall be reimbursed from the applicable appropriation, fund, or special deposit.

Traveling expenses, etc.

Hearings.

U. S. maps.

Surveying public lands.

Vehicles.

Provisos.
Temporarily detailed employees.
Survey, etc., of designated lands.

Expenditures for surveys.

Registers.	Registers: For salaries and commissions of registers of district land offices, \$78,000.
Contingent expenses of land offices.	Contingent expenses of land offices: For clerk hire, rent, and other incidental expenses of the district land offices, including the expenses of depositing public money; traveling expenses of clerks detailed to examine the books and management of district land offices and to assist in the operation of said offices, and for traveling expenses of clerks transferred in the interest of the public service from one district land office to another, \$154,560: <i>Provided</i> , That no expenses chargeable to the Government shall be incurred by registers in the conduct of local land offices except upon previous specific authorization by the Commissioner of the General Land Office.
<i>Proviso.</i> Restriction.	
Fire prevention, etc., in Alaska.	For the prevention and suppression of fires on the public domain in Alaska, including the maintenance of patrols, the employment of field personnel, and the use of airplanes by charter or otherwise, \$27,000, of which not to exceed \$1,000 may be used for the maintenance and operation of motor-propelled passenger-carrying vehicles.
Payments to States.	Payments to States of 5 per centum of proceeds from sales of public lands: For payment to the several States of 5 per centum of the net proceeds of sales of public lands lying within their limits, for the purpose of education or of making public roads and improvements, \$7,500: <i>Provided</i> , That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.
<i>Proviso.</i> Expenditures limited. 48 Stat. 1227. 31 U. S. C. § 725c.	
Revested Oregon and California Railroad, etc., grant lands. Conservation management.	Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands, Oregon: For carrying out the provisions of title I of the Act entitled "An Act relating to the revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands situated in the State of Oregon", approved August 28, 1937 (50 Stat. 874), including fire protection and patrol on these and adjacent and intermingled public lands, through cooperative agreements with Federal, State, and county agencies, or otherwise, and including travel and other necessary expenses, and including not to exceed \$5,000 for personal services in the District of Columbia, and not to exceed \$2,000 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles, \$150,000: <i>Provided</i> , That such expenditures shall be reimbursed from the 25 per centum referred to in section c, title II of the Act approved August 28, 1937, of the special fund designated the "Oregon and California Land Grant Fund" and section 4 of the Act approved May 24, 1939, of the special fund designated the "Coos Bay Wagon Road Grant Fund".
Personal services.	
<i>Proviso.</i> Reimbursement. 50 Stat. 876.	
53 Stat. 754.	
Range improvements outside of grazing districts.	Range improvements on public lands outside of grazing districts (receipt limitation): For construction, purchase, and maintenance of range improvements on the public lands subject to grazing leases under the provisions of section 15 and pursuant to the provisions of section 10 of the Act of June 28, 1934 (48 Stat. 1269), as amended by the Act of June 26, 1936 (49 Stat. 1976), \$60,000, including not to exceed \$1,200 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles: <i>Provided</i> , That expenditures hereunder shall not exceed 25 per centum of all moneys received under the provisions of section 15 of said Act during the fiscal years 1940 and 1941.
48 Stat. 1275, 1273; 49 Stat. 1978. 43 U. S. C. §§ 315m, 315i; Supp. V, §§ 315m, 315i.	
<i>Proviso.</i> Limitation.	
Payment to Oklahoma.	Payment to Oklahoma from royalties, oil and gas, south half of Red River: For payment of 37½ per centum of the royalties derived from the south half of Red River in Oklahoma under the provisions of the Act of March 4, 1923 (30 Stat. U. S. C. 233), which shall be paid to the State of Oklahoma in lieu of all State and local
42 Stat. 1448. 30 U. S. C. § 233.	

taxes upon tribal funds accruing under said Act, to be expended by the State in the same manner as if received under section 35 of the Act approved February 25, 1920 (30 U. S. C. 191), \$7,000: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

41 Stat. 450.

Proviso.
Limitation.
48 Stat. 1227.
31 U. S. C. § 725c.

BUREAU OF INDIAN AFFAIRS

SALARIES

For the Commissioner of Indian Affairs and other personal services in the District of Columbia, \$548,580.

Salaries.

GENERAL EXPENSES

For transportation and incidental expenses of officers and clerks of the Bureau of Indian Affairs when traveling on official duty; for radio, telegraph, and telephone toll messages on business pertaining to the Indian Service sent and received by the Bureau of Indian Affairs at Washington, and for other necessary expenses of the Indian Service for which no other appropriation is available, \$36,500.

Traveling expenses, etc.

For advertising, inspection, storage, and all other expenses incident to the purchase of goods and supplies for the Indian Service and for payment of railroad, pipe-line, and other transportation costs of such goods and supplies, \$799,720: *Provided*, That no part of this appropriation shall be used in payment for any services except bill therefor is rendered within one year from the time the service is performed.

Advertising, etc., expenses.

Proviso.
Restriction on payments.

For maintaining law and order on Indian reservations, including pay of judges of Indian courts, pay of Indian police, and pay of employees engaged in the suppression of the traffic in intoxicating liquors, marihuana, and deleterious drugs among Indians, and including traveling expenses, supplies, and equipment, \$255,340.

Maintenance of law and order on Indian reservations.

For lease, purchase, construction, repair, and improvement of agency buildings, exclusive of hospital buildings, including the purchase of necessary lands for agency purposes and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, \$200,000: *Provided*, That no part of this appropriation shall be available for the construction of any building the total cost of which is in excess of \$1,500.

Lease, etc., of agency buildings.

Proviso.
Construction of buildings, limitation.

For expenses of organizing Indian chartered corporations, or other tribal organizations, in accordance with the provisions of the Act of June 18, 1934 (48 Stat. 986), as supplemented and amended by the Acts of June 15, 1935 (49 Stat. 378), May 1, 1936 (49 Stat. 1250), and June 26, 1936 (49 Stat. 1967), including personal services, purchase of equipment and supplies, not to exceed \$3,000 for printing and binding, and other necessary expenses, \$74,540, of which not to exceed \$18,000 may be used for personal services in the District of Columbia: *Provided*, That in the discretion of the Secretary of the Interior, not to exceed \$3 per diem in lieu of subsistence may be allowed to Indians actually traveling away from their place of residence when assisting in organization work: *Provided further*, That no part of this appropriation shall be available for expenditure in that part of the State of New Mexico embraced in the Navajo Indian Reservation, and not to exceed \$5,000 shall be available for expenditure in said State: *Provided further*, That no part of this appropriation shall be available to conduct elections in any reservation on any matter which has been previously voted upon there unless two years have elapsed.

Tribal organizations, expenses.

25 U. S. C. § 469;
Supp. V, §§ 478a, 478b,
501-509; 48 U. S. C.,
Supp. V, §§ 358a, 362.

Personal services.

Provisos.
Traveling allowances.

Expenditures in New Mexico.

Conduct of elections.

Vehicles, Indian Service, maintenance.

Vehicles, Indian Service: Not to exceed \$195,000 of applicable appropriations made herein for the Bureau of Indian Affairs shall

be available for the maintenance, repair, and operation (including the exchange of necessary parts and accessories in part payment for new parts and accessories) of motor-propelled and horse-drawn passenger-carrying vehicles for the use of employees in the Indian field service, and the transportation of Indian school pupils, and not to exceed \$300,000 of applicable appropriations may be used for the purchase and exchange of motor-propelled passenger-carrying vehicles, and such vehicles shall be used only for official service, including the transportation of Indian school pupils.

Replacement of property destroyed by fire, etc.

Replacement of property destroyed by fire, flood, or storm: That to meet possible emergencies not exceeding \$35,000 of the appropriations made by this Act for support of reservation and nonreservation schools, for school and agency buildings, and for conservation of health among Indians shall be available, upon approval of the Secretary of the Interior, for replacing any buildings, equipment, supplies, livestock, or other property of those activities of the Indian Service above referred to which may be destroyed or rendered unserviceable by fire, flood, or storm: *Provided*, That any diversions of appropriations made hereunder shall be reported to Congress in the annual Budget.

Proviso.
Report to Congress.

Attendance at meetings.

Authorization for attending health and educational meetings: Not to exceed \$7,000 shall be available from applicable funds for expenses (not membership fees) of employees of the Indian Service when authorized by the Secretary of the Interior to attend meetings of medical, health, educational, agricultural, forestry, engineering, and industrial associations in the interest of work among the Indians.

INDIAN LANDS

Pueblo Indian lands, N. Mex.
Compensation to non-Indian claimants.

43 Stat. 636.

Apportionment.

Navajo Indians, Ariz.
Purchase of land.
48 Stat. 1033.

Purchase of land with tribal funds.

52 Stat. 300.

Leasing of lands for Navajo Indians.

Acquisition of lands, etc.

Compensation to non-Indian claimants, Pueblo Indian lands, New Mexico: For carrying out the provisions of the Act of March 28, 1939 (53 Stat. 553), in supplemental settlement of the liability of the United States to non-Indian claimants on Indian Pueblo grants whose claims, extinguished under the Act of June 7, 1924, have been found entitled to awards under said Act as supplemented by the Act of May 31, 1933 (48 Stat. 108), \$9,826.05, to remain available until expended, to be apportioned to claimants within the several Pueblos as follows: Taos, \$9,733.05; San Felipe, \$93.

Purchase of land for the Navajo Indians, Arizona, reimbursable: The unexpended balance of the appropriation contained in the Deficiency Appropriation Act, fiscal year 1934, for the purchase of land, and improvements thereon, including water rights, for the Navajo Indians in Arizona, as authorized by and in conformity with the provisions of the Act of June 14, 1934 (48 Stat. 961), is hereby continued available for the same purposes until June 30, 1941.

Purchase of land for the Navajo Indians, Arizona (tribal funds): The unexpended balance of the appropriation of \$40,000 from funds to the credit of the Navajo tribe, contained in the Interior Department Appropriation Act, fiscal year 1939, for the purchase, in accordance with the provisions of the Act of June 14, 1934 (48 Stat. 961), of lands from the New Mexico and Arizona Land Company within the Navajo Indian Reservation, Arizona, is hereby continued available for the same purpose and under the same conditions until June 30, 1941.

Leasing of lands for Navajo Indians (tribal funds): For lease, pending purchase, of land and water rights for the use and benefit of Indians of the Navajo Tribe in Arizona and New Mexico, \$20,000, payable from funds on deposit to the credit of the Navajo Tribe.

For the acquisition of lands, interest in lands, water rights and surface rights to lands, and for expenses incident to such acquisition

(except salaries and expenses of employees), in accordance with the provisions of the Act of June 18, 1934 (48 Stat. 985), \$325,000, together with the unexpended balance of the appropriation for this purpose for the fiscal year 1940: *Provided*, That in addition to the amount herein appropriated the Secretary of the Interior may also incur obligations, and enter into contracts for the acquisition of the additional land, not exceeding a total of \$325,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and appropriations hereafter made for the acquisition of land pursuant to the authorization contained in the Act of June 18, 1934, shall be available for the purpose of discharging the obligation or obligations so created: *Provided further*, That no part of the sum herein appropriated or of this contract authorization shall be used for the acquisition of land within the States of Arizona, Colorado, New Mexico, and Wyoming outside of the boundaries of existing Indian reservations.

The unexpended balance of the appropriation of \$25,000 contained in the Interior Department Appropriation Act, fiscal year 1938, for the payment of taxes, including penalties and interest, assessed against individually owned Indian land, title to which is held subject to restrictions against alienation or encumbrance except with the consent or approval of the Secretary of the Interior, when such land was purchased with trust or restricted funds with the understanding that after purchase it would be nontaxable, as authorized by the Act of June 20, 1936 (49 Stat. 1542), is hereby continued available for the same purposes until June 30, 1941.

Purchase of land, Confederated Bands of Utes, Utah (tribal funds): The unexpended balances of the amounts authorized to be expended by the Interior Department Appropriation Act for the fiscal year 1940 for the purchase of additional lands and improvements for the Confederated Bands of Ute Indians in Utah, are hereby continued available for the same purposes, and for the purchase of improvements on public-domain lands, until June 30, 1941.

Purchase of land, Cheyenne River Reservation, South Dakota (tribal funds): The unexpended balances of the appropriations from tribal funds of the Cheyenne River Indians, South Dakota, available during the fiscal year 1940 for the purchase of Indian-owned and privately owned land, and improvements thereon, in the Cheyenne River Reservation, South Dakota, are hereby continued available for the same purposes and under the same conditions, until June 30, 1941.

Purchase of land, Fort Hall Reservation, Idaho (tribal funds): The unexpended balance of the appropriation of \$40,000 contained in the Second Deficiency Appropriation Act, fiscal year 1938, for the purchase of Indian-owned and privately owned lands or interests therein, and improvements thereon, payable from funds on deposit to the credit of the Fort Hall Indians, is hereby continued available, for the same purposes and under the same conditions, until June 30, 1941.

Purchase of land for the Indians of the Round Valley Reservation, California (tribal funds): For the purchase of land and improvements thereon for the Indians of the Round Valley Reservation, California, \$10,000, payable from funds on deposit to the credit of said Indians: *Provided*, That title to any land and improvements so purchased shall be taken in the name of the United States in trust for the Indians of the Round Valley Reservation.

Purchase of land for Ute Mountain Indians, Colorado (tribal funds): The unexpended balance of the appropriation of \$20,000 contained in the Second Deficiency Appropriation Act, fiscal year 1938, for the purchase of land and improvements thereon for the Ute Mountain Band of Indians in Colorado, payable from funds on

25 U. S. C. § 465.

53 Stat. 695.

Proviso.
Contracts.

48 Stat. 985.

Restriction on use of
funds.Restricted lands,
taxes, etc.
50 Stat. 573.25 U. S. C., Supp.
V, § 412a.Confederated
Bands of Utes, Utah.
Purchase of land.
53 Stat. 695.Cheyenne River
Reservation, S. Dak.
Purchase of land.
53 Stat. 695.Fort Hall Reserva-
tion, Idaho.
Purchase of land.
52 Stat. 1130.Round Valley Res-
ervation, Calif.
Purchase of land.*Proviso.*
Title.Ute Mountain In-
dians, Colo.
Purchase of land.

52 Stat. 1130.

deposit to the credit of the Ute Mountain Band, is hereby continued available, for the same purposes and under the same conditions, until June 30, 1941.

Fort Peck Reserva-
tion, Mont.
Purchase of land.

Purchase of land, Fort Peck Reservation, Montana (tribal funds): For the purchase of Indian-owned and privately owned lands, improvements on lands, or any interest in lands, including water rights, for Indians of the Fort Peck Reservation, Montana, \$50,000, payable from any funds on deposit to the credit of the Indians of said reservation: *Provided*, That title to land or improvements so purchased shall be taken in the name of the United States in trust for the Indians of the Fort Peck Reservation: *Provided further*, That no funds shall be expended under this authorization without the consent of the executive board of the tribal council of said Indians: *Provided further*, That so much of this appropriation as may be necessary may be expended to permit said executive board to lease for ten-year periods agricultural and grazing lands from Indians and non-Indians for sublease to Indians and groups of Indians.

Proviso.
Title.

Restriction on use of
funds.

Leasing of land.

Spokane Indians,
Wash.
Purchase of land.

Purchase of land, Spokane Indians, Washington (tribal funds): For the purchase of Indian-owned and privately owned lands, improvements on lands, or any interest in lands, including water rights for Indians of the Spokane Reservation, Washington, \$30,000, payable from any funds on deposit to the credit of the Indians of said reservation: *Provided*, That title to land or improvements so purchased shall be taken in the name of the United States in trust for the Indians of the Spokane Reservation.

Proviso.
Title.

INDUSTRIAL ASSISTANCE AND ADVANCEMENT

Timber preserva-
tion, etc.

For the preservation of timber on Indian reservations and allotments other than the Menominee Indian Reservation in Wisconsin, the education of Indians in the proper care of forests, and the general administration of forestry and grazing work, including fire prevention and payment of reasonable rewards for information leading to arrest and conviction of a person or persons setting forest fires, or taking or otherwise destroying timber, in contravention of law on Indian lands, \$398,640: *Provided*, That this appropriation shall be available for the expenses of administration of Indian forest lands from which timber is sold to the extent only that proceeds from the sales of timber from such lands are insufficient for that purpose.

Proviso.
Restriction on use of
funds.

Timber sales, etc.,
expenses.

For expenses incidental to the sale of timber, and for the expenses of administration, including fire prevention, of Indian forest lands from which such timber is sold to the extent that the proceeds of such sales are sufficient for that purpose, \$117,000, reimbursable to the United States as provided in the Act of February 14, 1920 (25 U. S. C. 413): *Provided*, That this appropriation shall be available for the payment of reasonable rewards for information leading to arrest and conviction of a person or persons setting forest fires, or taking or otherwise destroying timber, in contravention of law.

41 Stat. 415.

Proviso.
Rewards.

Suppression, etc., of
forest fires.
Post, p. 1040.

For the suppression or emergency prevention of forest fires on or threatening Indian reservations, \$15,000, together with \$25,000 from funds held by the United States in trust for the respective tribes of Indians interested: *Provided*, That not to exceed \$50,000 of appropriations herein made for timber operations shall be available upon the approval of the Secretary of the Interior, for fire-suppression or emergency prevention purposes: *Provided further*, That any diversions of appropriations made hereunder shall be reported to Congress in the annual Budget.

Proviso.
Additional amount
available.

Report to Congress.

For transfer to the Geological Survey for expenditures to be made in inspecting mines and examining mineral deposits on Indian lands and in supervising mining operations on restricted, tribal, and allotted Indian lands leased under the provisions of the Acts of February 28, 1891 (25 U. S. C. 336, 371, 397), May 27, 1908 (35 Stat. 312), March 3, 1909 (25 U. S. C. 396), and other Acts authorizing the leasing of such lands for mining purposes, including not to exceed \$5,000 for the purchase and exchange (not to exceed \$2,000), maintenance, repair, and operation of passenger-carrying vehicles, and not to exceed \$11,000 for personal services in the District of Columbia, \$100,000.

For the purpose of obtaining remunerative employment for Indians, \$40,220.

For the purpose of developing agriculture and stock raising among the Indians, including necessary personnel, traveling and other expenses, and purchase of supplies and equipment, \$670,220, of which not to exceed \$15,000 may be used to conduct agricultural experiments and demonstrations on Indian school or agency farms and to maintain a supply of suitable plants or seed for issue to Indians, and not to exceed \$30,000 may be used for the operation and maintenance of a sheep-breeding station on the Navajo Reservation.

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, \$150,000, which sum may be advanced to Indians for the purchase of seeds, animals, machinery, tools, implements, and other equipment; for advances to old, disabled, or indigent Indian allottees for their support; and for advances to Indians having irrigable allotments to assist them in the development and cultivation thereof: *Provided*, That except for the Navajo Indians in Arizona and New Mexico not to exceed \$25,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians: *Provided further*, That not to exceed \$15,000 may be advanced to worthy Indian youths to enable them to take educational courses, including courses in nursing, home economics, forestry, and other industrial subjects in colleges, universities, or other institutions, and advances so made shall be reimbursed in not to exceed eight years, under such rules and regulations as the Secretary of the Interior may prescribe.

Industrial assistance (tribal funds): For advances to individual members of the tribes for the construction of homes and for the purchase of seed, animals, machinery, tools, implements, building material, and other equipment and supplies; and for advances to old, disabled, or indigent Indians for their support and burial, and Indians having irrigable allotments to assist them in the development and cultivation thereof, to be immediately available, \$22,000, payable from tribal funds as follows: Blackfeet, Montana, \$10,000; Hoopa Valley, California, \$2,000; Red Lake, Minnesota, \$10,000 (from funds held in trust by the United States for said Indians pursuant to the Act of June 15, 1938 (52 Stat. 697), and to be used only for educational loans to Indian youths of the Red Lake Band possessing one-fourth degree or more of Indian blood); and the unexpended balances of funds available under this head in the Interior Department Appropriation Act for the fiscal year 1940, and the Third Deficiency Act, fiscal year 1939, are hereby continued available during the fiscal year 1941 for the purposes for which they were appropriated: *Provided*, That advances may be made to worthy Indian youths to enable them to take educational courses, including courses in nursing, home economics, forestry, and other industrial subjects in colleges, universities, or other institutions, and advances so made shall be reimbursed in not to exceed eight years

Geological Survey.
Transfer of funds.

26 Stat. 794; 35 Stat.
783.

Vehicles.

Employment.

Development of ag-
riculture and stock
raising.

Agricultural experi-
ments, etc.

Navajo Reserva-
tion.
Sheep-breeding sta-
tion.

Loans to encourage
industry, etc.

Proviso.
Limitation; excep-
tion.

Advances to Indian
youths for educational
purposes.
Reimbursement.

Industrial assist-
ance.
Construction of
homes, etc.
Advances to old,
etc., Indians.

Reappropriations.
53 Stat. 697, 1314.

Proviso.
Advances to Indian
youths for educational
purposes.
Reimbursement.

Credits; availability.	under such rules and regulations as the Secretary of the Interior may prescribe: <i>Provided further</i> , That all moneys reimbursed during the fiscal year 1941 shall be credited to the respective appropriations and be available for the purposes of this paragraph: <i>Provided further</i> , That funds available under this paragraph may be used for the establishment and operation of tribal enterprises when proposed by Indian tribes and approved by the Secretary of the Interior, and revenues derived therefrom shall be covered into the Treasury to the credit of the respective tribes: <i>Provided further</i> , That the unexpended balances of prior appropriations under this head for any tribe, including reimbursements to such appropriations and the appropriations made herein, may be advanced to such tribe, if incorporated, for use under rules and regulations established for the making of loans from the revolving loan fund authorized by the Act of June 18, 1934 (25 U. S. C. 470).
Establishment, etc., of tribal enterprises.	
Loans from revolving loan fund.	
48 Stat. 986.	
Additional amount for revolving loan fund.	For an additional amount to be added to the appropriations heretofore made, for the establishment of a revolving fund for the purpose of making and administering loans to Indian chartered corporations in accordance with the Act of June 18, 1934 (48 Stat. 986), and of making and administering loans to individual Indians and to associations or corporate groups of Indians of Oklahoma in accordance with the Act of June 26, 1936 (49 Stat. 1967), \$249,600, of which amount not to exceed \$22,500 shall be available for personal services in the District of Columbia, and \$100,000 shall be available for personal services in the field, for traveling expenses of employees, for purchase of equipment and supplies, and for other necessary expenses of administering such loans, including not more than \$3,500 for printing and binding.
25 U. S. C., Supp. V, § 501.	
Personal services.	
Development of Indian arts and crafts.	For the development, under the direction of the Commissioner of Indian Affairs, of Indian arts and crafts, as authorized by the Act of August 27, 1935 (49 Stat. 891), including personal services, purchase and transportation of equipment and supplies, purchase of periodicals, directories, and books of reference, purchase and operation of motor-propelled passenger-carrying vehicles, telegraph and telephone services, cost of packing, crating, drayage, and transportation of personal effects of employees upon permanent change of station, expenses of exhibits and of attendance at meetings concerned with the development of Indian arts and crafts, traveling expenses, including payment of actual transportation expenses, not to exceed \$2,500 for printing and binding, and other necessary expenses, \$48,400, of which not to exceed \$16,000 shall be available for personal services in the District of Columbia: <i>Provided</i> , That no part of this appropriation shall be used to pay any salary at a rate exceeding \$7,500 per annum.
25 U. S. C., Supp. V, § 305.	
Vehicles.	
Printing and binding.	
Proviso. Salary limitation.	
Suppressing contagious livestock diseases.	Suppressing contagious diseases among livestock of Indians: The unexpended balance of the appropriation of \$7,500 contained in the Second Deficiency Appropriation Act, fiscal year 1937, for reimbursing Indians of the Mescalero Reservation, New Mexico, for stock destroyed on account of being infected with Malta fever, and for expenses in connection with the eradication and prevention of this disease, is hereby made available for the same purposes for the fiscal year 1941.
50 Stat. 221.	

DEVELOPMENT OF WATER SUPPLY

Development, etc., of water facilities.

For the development, rehabilitation, repair, maintenance, and operation of domestic and stock water facilities on the Navajo Reservation in Arizona, New Mexico, and Utah, the Hopi Reservation in Arizona, the Papago Reservation in Arizona, and the several Pueblos in New Mexico, including the purchase and installation of pumping and other equipment, \$100,000.

IRRIGATION AND DRAINAGE

For the construction, repair, and maintenance of irrigation systems, and for purchase or rental of irrigation tools and appliances, water rights, ditches, and lands necessary for irrigation purposes for Indian reservations and allotments; for operation of irrigation systems or appurtenances thereto when no other funds are applicable or available for the purpose; for drainage and protection of irrigable lands from damage by floods or loss of water rights, upon the Indian irrigation projects named below, in not to exceed the following amounts, respectively:

Miscellaneous projects, \$16,500; Arizona: Ak Chin, \$4,000; Chiu Chui, \$4,000; Ganado, \$1,000 together with \$1,500 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934; Navajo, miscellaneous projects, Arizona and New Mexico, \$12,000; Hopi, miscellaneous projects, \$1,500; San Xavier, \$2,000; California: Coachella Valley, \$1,000; Morongo, \$4,000; Pala and Rincon, \$3,500, together with \$500, from which expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of said Repeal Act; Colorado: Southern Ute, \$13,000, together with \$3,000, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the said Repeal Act; Montana: Tongue River, \$4,000; Nevada: Pyramid Lake, \$3,000; Walker River, \$6,000; Western Shoshone, \$10,000; New Mexico: Miscellaneous Pueblos, \$27,500; Oregon: Warm Springs, \$3,000; Washington: Colville, \$5,000, together with \$1,000, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of said Repeal Act; Lummi diking project, \$500, together with \$2,000, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of said Repeal Act.

For necessary miscellaneous expenses incident to the general administration of Indian irrigation projects, including pay of employees and their traveling and incidental expenses, \$70,980;

In all, for irrigation on Indian reservations, not to exceed \$200,480, reimbursable: *Provided*, That the foregoing amounts shall be available interchangeably, in the discretion of the Secretary of the Interior, for the necessary expenditures for damages by floods and other unforeseen exigencies, but the amount so interchanged shall not exceed in the aggregate 10 per centum of all the amounts so appropriated: *Provided further*, That the cost of irrigation projects and of operating and maintaining such projects where reimbursement thereof is required by law shall be apportioned on a per-acre basis against the lands under the respective projects and shall be collected by the Secretary of the Interior as required by such law, and any unpaid charges outstanding against such lands shall constitute a first lien thereon which shall be recited in any patent or instrument issued for such lands.

For operation and maintenance of the San Carlos project for the irrigation of lands in the Gila River Indian Reservation, Arizona, \$65,000, reimbursable, together with \$140,000 (operation and maintenance collections), and \$220,000 (power revenues), of which latter sum not to exceed \$24,000 shall be available for major repairs in case of unforeseen emergencies caused by fire, flood, or storm, from which amounts, of \$140,000 and \$220,000, respectively, expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934; in all, \$425,000.

Construction, maintenance, etc., of designated projects.

Limitation.

48 Stat. 1227.
31 U. S. C. § 725c.

Miscellaneous expenses.

Total; reimbursement.
Provided,
Amounts interchangeable; limitation.

Apportionment of costs; collection.

Unpaid charges a first lien.

San Carlos project, Ariz.
Maintenance, etc.

Emergencies.

48 Stat. 1227.
31 U. S. C. § 725c.

Pima Indians, Ariz.
Subjugation and
cropping operations
on lands of.

For continuing subjugation and for cropping operations on the lands of the Pima Indians in Arizona, there shall be available not to exceed \$200,000 of the revenues derived from these operations and deposited into the Treasury of the United States to the credit of such Indians, and such revenues are hereby made available for payment of irrigation operation and maintenance charges assessed against tribal or allotted lands of said Pima Indians.

Colorado River In-
dian Reservation,
Ariz.
Maintenance, etc.,
of system.

For improvement, operation, and maintenance of the pumping plants and irrigation system on the Colorado River Indian Reservation, Arizona, as provided in the Act of April 4, 1910 (36 Stat. 273), \$19,000, reimbursable, together with \$19,000, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

48 Stat. 1227.
31 U. S. C. § 725c.

San Carlos Reserva-
tion, Ariz.
Operation, etc., of
pumping plants.

Operation and maintenance, pumping plants, San Carlos Reservation, Arizona (tribal funds): For the operation and maintenance of pumping plants for the irrigation of lands on the San Carlos Reservation, in Arizona, \$5,000, to be paid from the funds held by the United States in trust for the Indians of such reservation: *Provided*, That the sum so used shall be reimbursed to the tribe by the Indians benefited under such rules and regulations as the Secretary of the Interior may prescribe.

Proviso.
Reimbursement.

Yuma Reservation,
Calif.

For reclamation and maintenance charges on Indian lands within the Yuma Reservation, California, and on ten acres within each of the eleven Yuma homestead entries in Arizona under the Yuma reclamation project, \$11,350, reimbursable.

Yuma homestead
entries, Ariz.

Fort Hall systems,
Idaho.
Maintenance, etc.

For improvements, maintenance, and operation of the Fort Hall irrigation systems, Idaho, \$28,000, together with \$25,000, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Fort Belknap Res-
ervation, Mont.
Maintenance, etc.,
of systems.

For maintenance and operation, repairs, and purchase of stored waters, irrigation systems, Fort Belknap Reservation, Montana, \$14,800, reimbursable, together with \$4,200 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Fort Peck project,
Mont.
Maintenance, etc.

For maintenance and operation of the several units of the Fort Peck project, Montana, including not to exceed four thousand acres under the West Side Canal of the Poplar River Division, \$19,000, reimbursable, together with \$3,000 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Blackfeet Indian
Reservation, Mont.
Maintenance, etc.,
of systems.

For the improvement, maintenance, and operation of the irrigation systems on the Blackfeet Indian Reservation in Montana, \$10,000, reimbursable, together with \$11,000, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Flathead Reserva-
tion, Mont.
Maintenance, etc.,
of systems.

For operation and maintenance of the irrigation and power systems on the Flathead Reservation, Montana, \$7,000, reimbursable, together with \$120,000 (operation and maintenance collections) and \$80,000 (power revenues), from which amounts of \$120,000 and \$80,000, respectively, expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934; in all, \$207,000.

48 Stat. 1227.
31 U. S. C. § 725c.

Crow Reservation,
Mont.
Maintenance, etc.,
of systems.

For improvement, maintenance, and operation of the irrigation systems on the Crow Reservation, Montana, including maintenance assessments payable to the Two Leggings Water Users' Association

and Bozeman Trail Ditch Company, Montana, properly assessable against lands allotted to the Indians and irrigable thereunder, \$5,000, reimbursable, together with \$35,000 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

For payment to the Tongue River Water Users' Association, Montana, or the State Water Conservation Board of Montana, in accordance with the provisions of the Act approved August 11, 1939 (53 Stat. 1411), \$19,500, reimbursable as provided in said Act.

For payment of annual installment of reclamation charges against Paiute Indian lands within the Newlands reclamation project, Nevada, \$5,381; and for payment in advance, as provided by district law, of operation and maintenance assessments, including assessments for the operation of drains to the Truckee-Carson irrigation district, \$5,519, to be immediately available; in all, \$10,900.

For operation and maintenance of the Hogback irrigation project on the Navajo Reservation in New Mexico, \$13,000, reimbursable, together with \$5,000, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

For maintenance and operation of the Fruitlands irrigation project, Navajo Reservation, New Mexico, \$13,000, reimbursable, together with \$3,000, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

For operation and maintenance assessments on Indian lands, and the buildings and grounds of the Albuquerque Indian School, within the Middle Rio Grande Conservancy District, New Mexico, \$9,320, of which amount \$8,530 shall be reimbursed in accordance with existing law.

For improvements, maintenance, and operation of miscellaneous irrigation projects on the Klamath Reservation, Oregon, \$3,000, reimbursable, together with \$4,000, from which amount expenditures shall not exceed the aggregate receipts from operation and maintenance collections on the Sand Creek and Modoc Point units covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

For continuing operation and maintenance and betterment of the irrigation system to irrigate allotted lands of the Uncompahgre, Uintah, and White River Utes in Utah, authorized under the Act of June 21, 1906 (34 Stat. 375), \$20,000, reimbursable, together with \$38,000, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

For operation and maintenance of the Wapato irrigation and drainage system, and auxiliary units thereof, Yakima Indian Reservation, Washington, \$1,000, reimbursable, together with \$150,000 (collections from the waters users on the Wapato-Satus, Toppenish-Simcoe, and Ahtanum units), from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

For reimbursement to the reclamation fund the proportionate expense of operation and maintenance of the reservoirs for furnishing stored water to lands in the Yakima Indian Reservation, Washington, in accordance with the provisions of section 22 of the Act of August 1, 1914 (38 Stat. 604), \$11,000.

48 Stat. 1227.
31 U. S. C. § 725c.

Tongue River Water Users' Association, Mont., etc.
Payment to.

Newlands project, Nev.; payment.

Operation of drains to Truckee-Carson district; payment.

Navajo Reservation, N. Mex.
Operation of Hogback project.

Fruitlands project, Navajo Reservation, N. Mex.
Maintenance, etc.

Albuquerque Indian School, N. Mex.
Maintenance, etc., assessments.

Klamath Reservation, Oreg.
Maintenance, etc., of projects.

Uncompahgre, etc., Utes in Utah.
Irrigation of allotted lands.

Yakima Indian Reservation, Wash.
Maintenance, etc., of Wapato system.

48 Stat. 1227.
31 U. S. C. § 725c.

Reimbursement to fund for reservoir maintenance, etc.

Wind River Reservation, Wyo.
Maintenance, etc., of systems.

48 Stat. 1227.
31 U. S. C. § 725c.

Construction, repair, etc., of designated projects.

Arizona.

California.

Colorado.

Montana.

Nevada.

New Mexico.

Washington.

Wyoming.

Garden tracts.

Surveys, investigations, etc.
Printing and binding.

Total; availability.

53 Stat. 703.

Proviso.
Interchange of amounts.

For operation and maintenance of irrigation systems within the ceded and diminished portions of the Wind River Reservation, Wyoming, including the Indians' pro rata share of the cost of operation and maintenance of the Riverton-Le Clair irrigation district and the Big Bend drainage district on the ceded reservation, \$25,000, reimbursable, together with \$25,000, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

For the construction, repair, and rehabilitation of irrigation systems on Indian reservations; for the purchase or rental of equipment, tools, and appliances; for the acquisition of rights-of-way, and payment of damages in connection with such irrigation systems; for the development of domestic and stock water and water for subsistence gardens; for the purchase of water rights, ditches, and lands needed for such projects; and for drainage and protection of irrigable lands from damage by floods or loss of water rights, as follows:

Arizona: Colorado River, as authorized by and in accordance with section 2 of the River and Harbor Act, approved August 30, 1935 (49 Stat. 1039, 1040), including the purchase of electrical energy and the distribution and sale thereof, \$1,150,000; Navajo, Arizona, and New Mexico, \$50,000; San Carlos, \$90,000; Salt River, \$50,000; San Xavier, \$10,000;

California: Mission, \$15,000; Sacramento, \$10,000; Owens Valley (Carson Agency, Nevada), \$10,000;

Colorado: Southern Ute, \$10,000;

Montana: Crow, \$400,000; Flathead, \$250,000; Fort Belknap, \$12,000; Blackfeet, \$50,000; Fort Peck, \$50,000;

Nevada: Western Shoshone, \$25,000; Walker River, \$17,000; Pyramid Lake, \$50,000;

New Mexico: Pueblo, \$25,000;

Washington: Wapato, including surveys of the Klickitat unit, \$100,000;

Wyoming: Wind River, \$41,000;

Miscellaneous garden tracts, \$45,000;

For surveys, investigations, and administrative expenses, including personal services in the District of Columbia and elsewhere, and not to exceed \$3,000 for printing and binding, \$112,300;

In all, \$2,572,300, to be reimbursable in accordance with law, and to be immediately available, which amount, together with the unexpended balances of funds made available under this head in the Interior Department Appropriation Act, fiscal year 1940, shall remain available until June 30, 1941: *Provided*, That the foregoing amounts may be used interchangeably in the discretion of the Secretary of the Interior, but not more than 10 per centum of any specific amount shall be transferred to any other amount, and no appropriation shall be increased by more than 15 per centum.

EDUCATION

Support of Indian schools, etc.

Provisos.
Deaf and dumb or blind, etc., Indian children.

For the support of Indian schools not otherwise provided for, and for other Indian educational purposes, including apprentice teachers for reservation and nonreservation schools, educational facilities authorized by treaty provisions, care of Indian children of school age attending public and private schools, and tuition and other assistance for Indian pupils attending public schools, \$6,015,000: *Provided*, That not to exceed \$20,000 of this appropriation may be used for the support and education of deaf and dumb or blind, physically handicapped, or mentally deficient Indian chil-

dren: *Provided further*, That \$60,000 of this appropriation shall be available for subsistence of pupils in reservation and nonreservation boarding schools during summer months: *Provided further*, That not more than \$15,000 of the amount herein appropriated may be expended for the tuition (which may be paid in advance) of Indian pupils attending vocational or higher educational institutions, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That formal contracts shall not be required, for compliance with section 3744 of the Revised Statutes (41 U. S. C. 16), for payment (which may be made from the date of admission) of tuition and for care of Indian pupils attending public and private schools, higher educational institutions, or schools for the deaf and dumb, blind, physically handicapped, or mentally deficient: *Provided further*, That not to exceed \$10,000 of this appropriation may be used for printing and binding (including illustrations) in authorized Indian-school printing plants: *Provided further*, That no part of any appropriation in this Act for the Bureau of Indian Affairs shall be available for expenses of travel for the study of educational systems or practices outside the continental limits of the United States and the Territory of Alaska.

Support of Indian schools from tribal funds: For the support of Indian schools, and for other educational purposes, including care of Indian children of school age attending public and private schools, tuition and other assistance for Indian pupils attending public schools, and support and education of deaf and dumb or blind, physically handicapped, or mentally deficient Indian children, there may be expended from Indian tribal funds and from school revenues arising under the Act of May 17, 1926 (25 U. S. C. 155), not more than \$297,750, including not to exceed \$58,750 for payment of tuition for Chippewa Indian children enrolled in public schools and care of children of school age attending private schools in the State of Minnesota, payable from the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota arising under section 7 of the Act of January 14, 1889 (25 Stat. 645): *Provided*, That formal contracts shall not be required, for compliance with section 3744 of the Revised Statutes (41 U. S. C. 16), for payment (which may be made from the date of admission) of tuition and for care of Indian pupils attending public schools, or schools for the deaf and dumb, blind, physically handicapped, or mentally deficient.

Education, Osage Nation, Oklahoma (tribal funds): For the education of unallotted Osage Indian children in the Saint Louis Mission Boarding School, Oklahoma, \$2,000, payable from funds held in trust by the United States for the Osage Tribe.

For reimbursable loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools, including colleges and universities offering recognized vocational, trade, and professional courses, in accordance with the provisions of the Act of June 18, 1934 (48 Stat. 986), and for apprentice training in manufacturing and other commercial establishments, \$100,000: *Provided*, That not more than \$50,000 of the amount available for the fiscal year 1941 shall be available for loans to Indian students pursuing liberal-arts courses in high schools and colleges: *Provided further*, That advances made under this authorization shall be reimbursed in not to exceed eight years, under such rules and regulations as the Secretary of the Interior may prescribe.

For lease, purchase, repair, and improvement of buildings at Indian schools not otherwise provided for, including the purchase of necessary lands for school purposes and the installation, repair, and improvement of heating, lighting, power, sewer, and water systems in connec-

Subsistence of pupils during summer months.
Vocational, etc., courses, tuition.

Formal contracts not required.

Printing and binding.

Travel expenses, restriction on use of funds.

Support of Indian schools from tribal funds.

44 Stat. 560.

Chippewa Indian children attending schools in Minnesota.
Payment of tuition, etc.

Proviso.
Formal contracts not required.

Education, Osage Nation, Okla.

Loans for tuition and expenses in vocational, etc., schools.

25 U. S. C. § 471.

Provisos.
Liberal-arts courses.

Reimbursement of advances.

Lease, repair, etc., of buildings at Indian schools.

Proviso.
Availability of
funds for sponsor's
contributions to cer-
tain projects.

Nonreservation
boarding schools.
Support, etc., of
Indian pupils.

Phoenix, Ariz.

Sherman Institute,
Riverside, Calif.

Haskell Institute,
Lawrence, Kans.

Pipestone, Minn.

Carson City, Nev.

Albuquerque,
N. Mex.

Santa Fe, N. Mex.

Wahpeton, N. Dak.

Chilocco, Okla.

Sequoyah Orphan
Training School,
Okla.

Carter Seminary,
Okla.

Euchee, Okla.

tion therewith, and including not to exceed \$15,000 for the purchase of materials for the use of Indian pupils in the construction of buildings (not to exceed \$1,500 for any one building) at Indian schools not otherwise provided for, \$370,000: *Provided*, That the foregoing appropriation, and appropriations in this Act for repairs and improvements at nonreservation boarding schools, shall be available to provide sponsor's contributions to projects for the construction, repair, or improvement of Indian school buildings approved by and carried on under funds of the Work Projects Administration or the National Youth Administration.

For support and education of Indian pupils at the following nonreservation boarding schools in not to exceed the following amounts, respectively:

Phoenix, Arizona: For five hundred pupils, including not to exceed \$2,500 for printing and issuing school paper, and not to exceed \$6,000 for the purchase of printing equipment, \$162,500; for pay of superintendent or other officer in charge, drayage, and general repairs and improvements, \$25,000; in all, \$187,500;

Sherman Institute, Riverside, California: For six hundred and fifty pupils, including not to exceed \$2,000 for printing and issuing school paper, and not to exceed \$6,000 for the purchase of printing equipment, \$221,000; for pay of superintendent, drayage, and general repairs and improvements, \$23,500; in all, \$244,500;

Haskell Institute, Lawrence, Kansas: For six hundred and twenty-five pupils, including not to exceed \$2,500 for printing and issuing school paper, \$212,500; for pay of superintendent, drayage, and general repairs and improvements, including necessary drainage work, \$25,000; in all, \$237,500;

Pipestone, Minnesota: For three hundred pupils, \$97,750; for pay of superintendent, drayage, and general repairs and improvements, \$15,000; in all, \$112,750;

Carson City, Nevada: For five hundred and twenty-five pupils, \$168,500; for pay of principal, drayage, and general repairs and improvements, \$20,000; in all, \$188,500;

Albuquerque, New Mexico: For six hundred pupils, \$204,000; for pay of superintendent or other officer in charge, drayage, and general repairs and improvements, \$25,000; in all, \$229,000;

Santa Fe, New Mexico: For three hundred and eighty pupils, \$134,900; for drayage, and general repairs and improvements, \$15,000; in all, \$149,900;

Wahpeton, North Dakota: For three hundred pupils, \$97,250; for pay of superintendent, drayage, and general repairs and improvements, \$13,000; in all, \$110,250;

Chilocco, Oklahoma: For six hundred and fifty pupils, including not to exceed \$2,000 for printing and issuing school paper, \$221,000; for pay of superintendent, drayage, and general repairs and improvements, \$25,000; in all, \$246,000;

Sequoyah Orphan Training School, near Tahlequah, Oklahoma: For three hundred and fifty orphan Indian children of the State of Oklahoma belonging to the restricted class, \$114,250; for pay of superintendent, drayage, and general repairs and improvements, \$15,000; in all, \$129,250;

Carter Seminary, Oklahoma: For one hundred and sixty-five pupils, \$57,525; for pay of principal, drayage, and general repairs and improvements, \$7,000; in all, \$64,525;

Euchee, Oklahoma: For one hundred and fifteen pupils, \$40,525; for pay of principal, drayage, and general repairs and improvements, \$7,000; in all, \$47,525;

Eufaula, Oklahoma: For one hundred and forty pupils, \$48,650; for pay of principal, drayage, and general repairs and improvements, \$7,000; in all, \$55,650;

Eufaula, Okla.

Jones Academy, Oklahoma: For one hundred and seventy-five pupils, \$61,125; for pay of principal, drayage, and general repairs and improvements, \$7,000; in all, \$68,125;

Jones Academy, Okla.

Wheelock Academy, Oklahoma: For one hundred and thirty pupils, \$45,050; for pay of principal, drayage, and general repairs and improvements, \$7,000; in all, \$52,050;

Wheelock Academy, Okla.

Chemawa, Oregon: For four hundred and fifty pupils, including not to exceed \$1,000 for printing and issuing school paper, \$152,250; for pay of superintendent, drayage, and general repairs and improvements, \$20,000; in all, \$172,250;

Chemawa, Oreg.

Flandreau, South Dakota: For four hundred and fifty pupils, \$159,750; for pay of superintendent, drayage, and general repairs and improvements, \$19,000; in all, \$178,750;

Flandreau, S. Dak.

Pierre, South Dakota: For three hundred pupils, \$97,750; for pay of superintendent, drayage, and general repairs and improvements, \$15,000; in all, \$112,750;

Pierre, S. Dak.

In all, for above-named nonreservation boarding schools, not to exceed \$2,586,775: *Provided*, That 10 per centum of the foregoing amounts shall be available interchangeably for expenditures for similar purposes in the various boarding schools named, but not more than 10 per centum shall be added to the amount appropriated for any one of said boarding schools or for any particular item within any boarding school. Any such interchanges shall be reported to Congress in the annual Budget.

Total.
Proviso.
Interchange of amounts.

Report to Congress.

For tuition and for care and other assistance for Indian pupils attending public schools and special Indian day schools and for the repair of special Indian day schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations and the Quapaw Agency in Oklahoma, \$395,000, to be expended in the discretion of the Secretary of the Interior and under rules and regulations to be prescribed by him: *Provided*, That not to exceed \$21,500 may be expended for the payment of salaries of public-school teachers, employed by the State, county, or district in special Indian day schools in full-blood Indian communities, where there are not adequate white day schools available for their attendance.

Tuition for Indian pupils attending designated schools, etc.

Proviso.
Salaries of certain public-school teachers.

Natives in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for support and education and relief of destitution of the Eskimos, Aleuts, Indians, and other natives of Alaska, including necessary traveling expenses of pupils to and from boarding schools in Alaska; purchase, repair, and rental of school buildings, including purchase of necessary lands; textbooks and industrial apparatus; pay and necessary traveling expenses of superintendents, teachers, physicians, and other employees; repair, equipment, maintenance, and operation of vessels; and all other necessary miscellaneous expenses which are not included under the above special heads, \$940,595, to be immediately available and to remain available until June 30, 1942: *Provided*, That a report shall be made to Congress covering expenditures from the amount herein provided for relief of destitution.

Natives in Alaska.
Support, relief, etc.

Proviso.
Report to Congress.

CONSERVATION OF HEALTH

For conservation of health among Indians, including equipment, materials, and supplies; repairs and improvements to buildings and plants; compensation and traveling expenses of officers and employees

Designated expenses.

Clinical surveys and
general medical re-
search.

Allotments to speci-
fied hospitals and
sanatoria.

Arizona.

California.

Colorado.

Idaho.

Iowa.

Minnesota.

Mississippi.

Montana.

Nebraska.

Nevada.

New Mexico.

North Carolina.

North Dakota.

Oklahoma.

Oregon.

South Dakota.

Utah.

and renting of quarters for them when necessary; transportation of patients and attendants to and from hospitals and sanatoria; returning to their former homes and interring the remains of deceased patients; and not exceeding \$25,000 for clinical surveys and general medical research in connection with tuberculosis, trachoma, and venereal and other disease conditions among Indians, including cooperation with State and other organizations engaged in similar work and payment of traveling expenses and per diem of physicians, nurses, and other persons whose services are donated by such organizations, and including printing and binding circulars and pamphlets for use in preventing and suppressing trachoma and other contagious and infectious diseases, \$5,235,720, including not to exceed \$3,836,840 for the following-named hospitals and sanatoria:

Arizona: Indian Oasis Hospital, \$27,260; Kayenta Sanatorium, \$52,000; Navajo Medical Center, \$287,450; Phoenix Sanatorium, \$110,040; Pima Hospital, \$27,600; Truxton Canyon Hospital, \$14,000; Western Navajo Hospital, \$35,700; Chin Lee Hospital, \$16,620; Fort Apache Hospital, \$29,700; Hopi Hospital, \$40,000; Leupp Hospital, \$27,800; San Carlos Hospital, \$32,300; Tohatchi Hospital, \$17,200; Colorado River Hospital, \$22,000; San Xavier Sanatorium, \$45,000; Phoenix Hospital, \$47,090; Winslow Sanatorium, \$63,865;

California: Hoopa Valley Hospital, \$28,000; Soboba Hospital, \$25,620; Fort Yuma Hospital, \$22,000;

Colorado: Ute Mountain Hospital, \$15,000; Edward T. Taylor Hospital, \$25,000;

Idaho: Fort Lapwai Sanatorium, \$94,730; Fort Hall Hospitals, \$14,000;

Iowa: Sac and Fox Sanatorium, \$79,150;

Minnesota: Pipestone Hospital, \$22,500; Cass Lake Hospital, \$30,000; Fond du Lac Hospital, \$25,000; Red Lake Hospital, \$25,500; White Earth Hospital, \$22,000;

Mississippi: Choctaw Hospital, \$25,000;

Montana: Blackfeet Hospital, \$45,000; Fort Peck Hospital, \$26,400; Crow Hospital, \$32,000; Fort Belknap Hospital, \$32,500; Tongue River Hospital, \$30,000;

Nebraska: Winnebago Hospital, \$47,000;

Nevada: Carson Hospital, \$27,000; Walker River Hospital, \$25,000; Western Shoshone Hospital, \$20,000;

New Mexico: Albuquerque Sanatorium, \$111,915; Jicarilla Hospital and Sanatorium, \$68,290; Mescalero Hospital, \$23,000; Eastern Navajo Hospital, \$60,000; Northern Navajo Hospital, \$47,885; Taos Hospital, \$20,000; Zuni Hospital, \$35,000; Albuquerque Hospital, \$51,500; Charles H. Burke Hospital, \$30,000; Santa Fe Hospital, \$44,000; Toadlena Hospital, \$13,000;

North Carolina: Cherokee Hospital, \$25,000;

North Dakota: Turtle Mountain Hospital, \$41,600; Fort Berthold Hospital, \$18,000; Fort Totten Hospital, \$23,000; Standing Rock Hospital, \$41,000;

Oklahoma: Cheyenne and Arapaho Hospital, \$36,000; Talihina Sanatorium and Hospital, \$201,790; Shawnee Sanatorium, \$112,940; Claremore Hospital, \$83,020; Clinton Hospital, \$22,000; Pawnee and Ponca Hospital, \$38,000; Kiowa Hospital, \$139,000; William W. Hastings Hospital, \$76,715;

Oregon: Warm Springs Hospital, \$20,000;

South Dakota: Crow Creek Hospital, \$22,000; Pine Ridge Hospitals, \$57,775; Rosebud Hospital, \$45,000; Yankton Hospital, \$23,000; Cheyenne River Hospital, \$35,000; Sioux Sanatorium, \$149,960; Sisseton Hospital, \$33,000;

Utah: Uintah Hospital, \$30,000;

Washington: Yakima Sanatorium, \$40,000; Tacoma Sanatorium, \$233,985; Tulalip Hospital, \$12,600; Colville Hospital, \$35,000; Wisconsin: Hayward Hospital, \$40,600; Tomah Hospital, \$32,620; Wyoming: Wind River Hospital, \$29,620:

Provided, That 10 per centum of the foregoing amounts shall be available interchangeably for expenditures in the various hospitals named, but not more than 10 per centum shall be added to the amount appropriated for any one of said hospitals or for any particular item within any hospital, and any interchange of appropriations hereunder shall be reported to Congress in the annual Budget:

Provided further, That nonreservation boarding schools receiving specific appropriations shall contribute on a per diem basis for the hospitalization of pupils in hospitals located at such schools and supported from this appropriation: *Provided further*, That in the discretion of the Secretary of the Interior and under such rules and regulations as may be prescribed by him, fees may be collected from Indians for medical, hospital, and dental service and any fees so collected shall be covered into the Treasury of the United States.

Medical relief in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction through the Bureau of Indian Affairs, with the advice and cooperation of the Public Health Service, to provide for the medical and sanitary relief of the Eskimos, Aleuts, Indians, and other natives of Alaska; purchase, repair, rental, and equipment of hospital buildings; books and surgical apparatus; pay and necessary traveling expenses of physicians, nurses, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, \$492,490, to be available immediately and to remain available until June 30, 1942.

Washington.

Wisconsin.

Wyoming.

Proviso.
Interchange of
amounts.

Report to Congress.

Hospitalization of
pupils, basis of con-
tribution.

Fees for medical,
etc., services.

Medical relief in
Alaska.

Hospital buildings,
etc.

GENERAL SUPPORT AND ADMINISTRATION

For general support of Indians and administration of Indian property, including pay of employees authorized by continuing or permanent treaty provisions, \$2,884,520: *Provided*, That in the discretion of the Secretary of the Interior, and under such rules and regulations as may be prescribed by him, fees may be collected from individual Indians for services performed for them, and any fees so collected shall be covered into the Treasury of the United States.

Reindeer service: For supervision of reindeer in Alaska and instruction in the care and management thereof, including salaries and travel expenses of employees, purchase, rental, erection, and repair of range cabins, purchase and maintenance of communication and other equipment, and all other necessary miscellaneous expenses, including \$3,000 for the purchase and distribution of reindeer, \$75,000, to be immediately available, and to remain available until June 30, 1942.

For general support of Indians and administration of Indian property under the jurisdiction of the following agencies, to be paid from the funds held by the United States in trust for the respective tribes, in not to exceed the following sums, respectively:

Arizona: Fort Apache, \$66,000; Navajo, \$12,500, including all necessary expenses of holding a tribal fair, erection of structures, awards for exhibits and events, feeding of livestock, and labor and materials; Pima (Camp McDowell), \$300; San Carlos, \$60,000; Truxton Cañon, \$12,000; in all, \$150,800;

California: Mission, \$39,900, of which amount \$4,000 shall be available for payment of the salary and expenses of an agent employed under a contract approved by the Secretary of the Interior;

General support and
administration.

Proviso.
Collection of fees for
services; disposition.

Alaska.
Reindeer service.

Support of Indians,
etc., under specified
agencies.

Arizona.

California.

Colorado.	Colorado: Consolidated Ute, \$60,000 (Southern Ute, \$57,000, Ute Mountain, \$3,000), together with the unexpended balance of the appropriations under this head for the fiscal year 1940, including the purchase of land, the subjugation thereof, and the construction of improvements thereon;
53 Stat. 708, 1315.	
Florida.	Florida: Seminole, \$2,000, including the purchase of cattle for the establishment of a tribal herd;
Iowa.	Iowa: Sac and Fox, \$1,500;
Montana.	Montana: Flathead, \$24,000;
Nevada.	Nevada: Western Shoshone, \$3,000;
New Mexico.	New Mexico: United Pueblos (Zuni Indians), \$4,086;
North Carolina.	North Carolina: Cherokee, \$8,000;
Oklahoma.	Oklahoma, Seminole: The unexpended balance of the appropriation of \$7,787 from tribal funds of the Seminole Indians, Oklahoma, contained in the Interior Department Appropriation Act, fiscal year 1940, for reconstruction of a community house is hereby continued available for the same purposes until June 30, 1941;
53 Stat. 708.	
Oregon. Attorney fees.	Oregon: Klamath, \$125,760, of which not to exceed \$4,500 shall be available for fees and expenses of an attorney or firm of attorneys selected by the tribe and employed under a contract approved by the Secretary of the Interior in accordance with existing law, and not to exceed \$30,000 shall be available for the construction and equipment of a nurses' home and a nurse's dwelling;
South Dakota.	South Dakota: Sisseton, \$7,000, including the construction of an agricultural building and the purchase of land, title to such lands to be taken in the name of the United States in trust for the Sisseton and Wahpeton Indians;
Utah.	Utah: Uintah and Ouray, \$10,000, of which amount not to exceed \$3,000 shall be available for the payment of an agent employed under a contract approved by the Secretary of the Interior;
Washington.	Washington: Puyallup, \$1,300 for upkeep of the Puyallup Indian cemetery; Taholah, \$11,500 (Makah, \$9,500; Quinaielt, \$2,000); Yakima, \$680; Tulalip, \$1,000; Swinomish, \$500; in all, \$14,980;
Wisconsin.	Wisconsin: Keshena, \$78,100, including \$20,000 for monthly allowances, under such rules and regulations as the Secretary of the Interior may prescribe, to old and indigent members of the Menominee Tribe who reside with relatives or friends, and \$5,200 for the compensation and expenses of an attorney or firm of attorneys employed by the tribe under a contract approved by the Secretary of the Interior in accordance with existing law: <i>Provided</i> , That not to exceed \$6,000 shall be available from the funds of the Menominee Indians for the payment of salaries and expenses of the chairman, secretary, and interpreters of the Menominee general council and members of the Menominee Advisory Council and tribal delegates when engaged on business of the tribe at rates to be determined by the Menominee general council and approved by the Commissioner of Indian Affairs;
Old, etc., members of Menominee Tribe.	In all, not to exceed \$529,126.
Relief of Chippewa Indians in Minnesota.	Relief of Chippewa Indians in Minnesota (tribal funds): Not to exceed \$40,000 of the principal sum on deposit to the credit of the Chippewa Indians of Minnesota, arising under section 7 of the Act entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota", approved January 14, 1889 (25 Stat. 645), may be expended, in the discretion of the Secretary of the Interior, in aiding indigent Chippewa Indians including boarding-home care of pupils attending public or high schools.
Relief of needy In- dians.	Relief of needy Indians: For the relief of Indians in need of assistance, including cash grants; the purchase of subsistence supplies, clothing, and household goods; medical, burial, housing, transportation, and all other necessary expenses, \$100,000, payable from
Proviso. Salaries and expenses of certain officers, etc.	

funds on deposit to the credit of the particular tribe concerned: *Provided*, That expenditures hereunder may be made without regard to section 3709, United States Revised Statutes, or to the Act of May 27, 1930 (46 Stat. 391), as amended.

Expenses of tribal officers, Five Civilized Tribes, Oklahoma (tribal funds): For the current fiscal year money may be expended from the tribal funds of the Choctaw, Chickasaw, Creek, and Seminole Tribes for equalization of allotments, per capita, and other payments authorized by law to individual members of the respective tribes, salaries and contingent expenses of the governor of the Chickasaw Nation and chief of the Choctaw Nation, one mining trustee for the Choctaw and Chickasaw Nations, at salaries of \$3,000 each for the said governor, said chief, and said mining trustee, chief of the Creek Nation at \$600 and one attorney each for the Choctaw and Chickasaw Tribes employed under contract approved by the President under existing law: *Provided*, That the expenses of the above-named officials shall be determined and limited by the Commissioner of Indian Affairs at not to exceed \$2,500 each.

Support of Osage Agency and pay of tribal officers, Oklahoma (tribal funds): For the support of the Osage Agency, and for necessary expenses in connection with oil and gas production on the Osage Reservation, Oklahoma, including pay of necessary employees, the tribal attorney and his stenographer, one special attorney in tax and other matters, and pay of tribal officers; payment of damages to individual allottees; repairs to buildings, rent of quarters for employees, traveling expenses, printing, telegraphing, and telephoning, and purchase, repair, and operation of automobiles, \$184,080, payable from funds held by the United States in trust for the Osage Tribe of Indians in Oklahoma: *Provided*, That not more than \$1,800 may be used for the employment of a curator for the Osage Museum, which employee shall be an Osage Indian and shall be appointed without regard to civil-service laws and regulations upon the recommendation of the Osage tribal council: *Provided further*, That this appropriation shall be available, for traveling and other expenses, including not to exceed \$5 per diem in lieu of subsistence, and not to exceed 5 cents per mile for use of personally owned automobiles, of members of the tribal council and other members of the tribe, when engaged on tribal business, including visits to the District of Columbia when duly authorized or approved in advance by the Commissioner of Indian Affairs.

The unexpended balance of the appropriation of Choctaw Tribal funds contained in the Interior Department Appropriation Act, fiscal year 1940, for the relief of needy Choctaw Indians shall continue available until expended, and any revenue derived from the rehabilitation projects operated thereunder shall be available for such purposes as may be recommended by the chief of the Choctaw Nation, and approved by the superintendent of the Five Civilized Tribes Agency.

Expenses of tribal councils or committees thereof (tribal funds): For traveling and other expenses of members of tribal councils, business committees, or other tribal organizations, when engaged on business of the tribes, including supplies and equipment, not to exceed \$5 per diem in lieu of subsistence, and not to exceed 5 cents per mile for use of personally owned automobiles, and including not more than \$25,000 for visits to Washington, District of Columbia, when duly authorized or approved in advance by the Commissioner of Indian Affairs, \$50,000, payable from funds on deposit to the credit of the particular tribe interested: *Provided*, That, except for the Navajo Tribe, not more than \$5,000 shall be expended from the funds of any

Proviso.
Expenditures.
41 U. S. C. § 5.
18 U. S. C. § 744a.

Five Civilized
Tribes, Okla.
Expenses of tribal
officers.

Proviso.
Limitation on ex-
penses.

Osage Agency, Okla.
Agency, etc., ex-
penses.

Provisos.
Employment of cu-
rator for Museum.

Travel, etc.

Relief of needy
Choctaw Indians.
Reappropriation.
53 Stat. 710.

Expenses of tribal
councils, etc.

Provisos.
Limitation on ex-
penditures.

Restriction on use of funds; exception.

one tribe or band of Indians for the purposes herein specified: *Provided further*, That no part of this appropriation shall be available for expenses of members of tribal councils, business committees, or other tribal organizations, when in Washington, for more than a thirty-day period, unless the Secretary of the Interior shall in writing approve a longer period.

Makah Reservation, Wash.
Expenses of attorneys.

Expenses of attorneys, Makah Reservation, Washington (tribal funds): Not to exceed \$1,700 of the funds on deposit to the credit of the Makah Indians, Washington, is hereby made available for the fiscal years 1940 and 1941 for payment of the compensation and expenses of an attorney employed by the Makah Tribe under a contract executed October 4, 1939, and approved by the Secretary of the Interior in accordance with law.

ROADS AND BRIDGES

Gallup-Shiprock Highway, N. Mex.

Provide,
Indian labor.

For maintenance and repair of that portion of the Gallup-Shiprock Highway within the Navajo Reservation, New Mexico, including the purchase of machinery, \$20,000, reimbursable: *Provided*, That other than for supervision and engineering only Indian labor shall be employed for such maintenance and repair work.

Reservation roads, construction, etc.

45 Stat. 750.
25 U. S. C., Supp. V, § 318b.

Provides,
Personal services.

Structures for housing road materials, etc.

For construction, improvement, repair, and maintenance of Indian reservation roads under the provisions of the Acts of May 26, 1928 (25 U. S. C. 318a), June 16, 1936 (49 Stat. 1521), and June 8, 1938 (52 Stat. 633-636), \$2,000,000, to be immediately available and to remain available until expended: *Provided*, That not to exceed \$11,200 of the foregoing amount may be expended for personal services in the District of Columbia: *Provided further*, That not to exceed \$100,000 of this appropriation shall be available for purchase, lease, construction, or repair of structures for housing road materials, supplies, and equipment, and for quarters for road crews but the cost of any structure erected hereunder shall not exceed \$7,500.

CONSTRUCTION AND REPAIR

School, agency, hospital, etc., buildings and utilities.

For the construction, repair, or rehabilitation of school, agency, hospital, or other buildings and utilities, including the purchase of land and the acquisition of easements or rights-of-way when necessary, and including the purchase of furniture, furnishings, and equipment, as follows:

Alaska.

Alaska: Day-school facilities and quarters, \$20,000;

Carson, Nev.

Carson, Nevada: Quarters, \$26,000;

Cheyenne and Arapahoe, Okla.

Cheyenne and Arapahoe, Oklahoma: Improvements to utilities, \$35,000;

Cheyenne River, S. Dak.

Cheyenne River, South Dakota: Quarters, \$15,000;

Choctaw, Miss.

Choctaw, Mississippi: General repairs and improvements, \$19,000;

Colorado River, Ariz.

Colorado River, Arizona: General repairs and improvements, \$14,000;

Colville, Wash.

Colville, Washington: General repairs and improvements, \$10,000;

Consolidated Ute, Colo.

Consolidated Ute, Colorado: Improvements to utilities, \$5,500; quarters, \$19,000;

Crow, Mont.

Crow, Montana: General repairs and improvements, \$6,000;

Crow Creek, S. Dak.

Crow Creek, South Dakota: Quarters, \$35,000;

Five Civilized Tribes, Okla.

Five Civilized Tribes, Oklahoma: Improvements to water system, Jones Academy, \$31,500; improvements to water system, Talihina Sanatorium, \$27,500;

Flathead, Mont.

Flathead, Montana: Quarters, \$5,000;

Fort Belknap, Mont.

Fort Belknap, Montana: General repairs and improvements, \$15,000; quarters, \$7,500;

Fort Berthold, N. Dak.

Fort Berthold, North Dakota: Quarters, \$5,000;

Fort Totten, North Dakota: Quarters, \$7,500; shop building and garage, \$10,000;

Haskell, Kansas: Improvements to utilities, \$10,000;

Hopi, Arizona: School facilities, \$125,000;

Kiowa, Oklahoma: Nurse aides' dormitory facilities, \$40,000; Fort Sill, quarters, \$7,500; dairy barn, \$15,000; shop building, \$20,000;

Mission, California: Quarters, \$7,000;

Navajo, Arizona: Quarters, \$11,500;

Northern Idaho, Idaho: Quarters, \$10,000;

Pipestone, Minnesota: Improvements to utility system, \$22,500;

Red Lake, Minnesota: Quarters, \$5,000;

Rocky Boy, Montana: Improvements to utilities, \$15,000;

Shawnee Sanatorium, Oklahoma: Building for semiambulant women patients, \$25,000, together with the unexpended balance of the appropriation for the fiscal year 1940 for remodeling women's semiambulant building;

Sherman, California: Improvements to utilities, \$25,000;

Standing Rock, North Dakota: Quarters, \$7,500;

Tacoma, Washington: Sanatorium and general hospital plant, \$400,000, and in addition thereto the Secretary of the Interior may incur obligations and enter into a contract or contracts not exceeding the total amount of \$895,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and appropriations hereafter made for continuing construction of the project shall be available for the purpose of discharging the obligation or obligations so created: *Provided*, That not to exceed \$228,525 may be used to acquire from the Puyallup Tribe of Indians the land and improvements now constituting the Tacoma Indian Sanatorium as authorized by the Act of August 11, 1939 (53 Stat. 1405);

Tongue River, Montana: Quarters, \$5,000;

Uintah and Ouray, Utah: Quarters, \$10,000;

Umatilla, Oregon: General repairs and improvements, \$3,500;

Western Shoshone, Nevada: Quarters, \$35,000;

For administrative expenses, including personal services in the District of Columbia and elsewhere; not to exceed \$2,500 for printing and binding; purchase of periodicals, directories, and books of reference; purchase and operation of motor-propelled passenger-carrying vehicles; traveling expenses of employees; rent of office and storage space; telegraph and telephone tolls; and all other necessary expenses not specifically authorized herein, \$110,000; in all, \$1,223,000, to be immediately available and to remain available until completion of the projects when the unobligated balances shall revert to the general fund of the Treasury: *Provided*, That not to exceed 10 per centum of the amount of any specific authorization may be transferred, in the discretion of the Commissioner of Indian Affairs, to the amount of any other specific authorization, but no limitation shall be increased more than 10 per centum by any such transfer: *Provided further*, That the unexpended balances of appropriations made available under this head in the Interior Department Appropriation Acts, fiscal years 1939 and 1940, the Urgent Deficiency and Supplemental Appropriation Act, fiscal years 1939 and 1940, and the Third Deficiency Appropriation Act, fiscal year 1939, shall continue available until completion of the projects when the unobligated balances shall revert to the general fund of the Treasury: *Provided further*, That the appropriation contained in the Interior Department Appropriation Act, fiscal year 1939, for the construction of a central heating plant, and rehabilitation of distribution lines at Chilocco, Oklahoma, shall be available also for the construction of a print shop.

Fort Totten,
N. Dak.

Haskell, Kans.

Hopi, Ariz.

Kiowa, Okla.

Mission, Calif.

Navajo, Ariz.

Northern Idaho,
Idaho.

Pipestone, Minn.

Red Lake, Minn.

Rocky Boy, Mont.

Shawnee Sanato-
rium, Okla.

53 Stat. 712.

Sherman, Calif.

Standing Rock,
N. Dak.
Tacoma, Wash.
Sanatorium, etc.;
contracts.

Proviso.
Acquisition of land,
etc., from Puyallup
Tribe.

Tongue River,
Mont.
Uintah and Ouray,
Utah.
Umatilla, Oreg.
Western Shoshone,
Nev.
Administrative ex-
penses.

Provisos.
Transfers of
amounts, limitation.

Reappropriation.

52 Stat. 317; 53 Stat.
712, 986, 1316.

Print shop, Chiloco,
Okla.

52 Stat. 316.

ANNUITIES AND PER CAPITA PAYMENTS

Senecas, N. Y.	For fulfilling treaties with Senecas of New York: For permanent annuity in lieu of interest on stock (Act of February 19, 1831, 4 Stat. 442), \$6,000.
Six Nations, N. Y. 7 Stat. 46.	For fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (article 6, treaty of November 11, 1794), \$4,500.
Choctaws, Okla. 7 Stat. 99. 11 Stat. 614. 7 Stat. 213.	For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (article 2, treaty of November 16, 1805, and article 13, treaty of June 22, 1855), \$3,000; for permanent annuity for support of light horsemen (article 13, treaty of October 18, 1820, and article 13, treaty of June 22, 1855), \$600; for permanent annuity for support of blacksmith (article 6, treaty of October 18, 1820, and article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), \$600; for permanent annuity for education (article 2, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), \$6,000; for permanent annuity for iron and steel (article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), \$320; in all, \$10,520.
7 Stat. 212, 236.	
7 Stat. 235.	
Pawnees, Okla. 11 Stat. 729; 27 Stat. 644.	For fulfilling treaties with Pawnees, Oklahoma: For permanent annuity (article 2, treaty of September 24, 1857, and article 3, agreement of November 23, 1892), \$30,000.
Indians of Sioux reservations, benefits.	For payment of Sioux benefits to Indians of the Sioux reservations, as authorized by the Act of March 2, 1889 (25 Stat. 895), as amended, \$225,000.
Interest on trust funds, payment.	For payment of interest on moneys held in trust for the several Indian tribes, as authorized by various Acts of Congress, \$775,000.
Availability of funds for purchase of supplies, etc.	Appropriations herein made for the support of Indians and administration of Indian property, the support of schools, including nonreservation boarding schools and for conservation of health among Indians shall be available for the purchase of supplies, materials, and repair parts, for storage in and distribution from central warehouses, garages, and shops, and for the maintenance and operation of such warehouses, garages, and shops, and said appropriations shall be reimbursed for services rendered or supplies furnished by such warehouses, garages, or shops to any activity of the Indian Service.
Travel expenses, etc.	Appropriations made for the Indian Service for the fiscal year 1941 shall be available for travel expenses of employees on official business; for travel expenses and the cost of packing, crating, drayage, and transportation of personal effects of employees upon permanent change of station with or without a change in official position; for the purchase of ice, and for the purchase of rubber boots for official use of employees.
Traveling expenses of new appointees.	The appropriations available for expenditure for the benefit of the natives of Alaska may be used for the payment of traveling expenses of new appointees from Seattle, Washington, to their posts of duty in Alaska, and of traveling expenses, packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station within Alaska, under regulations to be prescribed by the Secretary of the Interior.

BUREAU OF RECLAMATION

Sums appropriated from reclamation fund, availability.
32 Stat. 388.

The following sums are appropriated out of the special fund in the Treasury of the United States created by the Act of June 17, 1902 (43 U. S. C. 391, 411), and therein designated "the reclamation fund", to be available immediately:

Salaries and expenses.

Salaries and expenses: For the Commissioner of Reclamation and other personal services in the District of Columbia, \$115,000; for travel and other necessary expenses, \$35,000, including not to exceed \$15,000 for printing and binding; in all, \$150,000;

Administrative provisions and limitations: For all expenditures authorized by the Act of June 17, 1902, and Acts amendatory thereof or supplementary thereto, known as the reclamation law, and all other Acts under which expenditures from said fund are authorized, including not to exceed \$100,000 for personal services and \$15,000 for other expenses in the office of the chief engineer, \$20,000 for telegraph, telephone, and other communication service, \$5,000 for photographing and making photographic prints, \$41,250 for personal services, and \$7,500 for other expenses in the field legal offices; examination of estimates for appropriations in the field; refunds of overcollections and deposits for other purposes; not to exceed \$15,000 for lithographing, engraving, printing, and binding; purchase of ice; purchase of rubber boots for official use by employees; maintenance and operation of horse-drawn and motor-propelled passenger vehicles; not to exceed \$25,000 for purchase and exchange of horse-drawn and motor-propelled passenger-carrying vehicles; packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station, under regulations to be prescribed by the Secretary of the Interior; payment of damages caused to the owners of lands or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of irrigation works; payment for official telephone service in the field hereafter incurred in case of official telephones installed in private houses when authorized under regulations established by the Secretary of the Interior; not to exceed \$1,000 for expenses, except membership fees, of attendance, when authorized by the Secretary, upon meetings of technical and professional societies required in connection with official work of the Bureau; payment of rewards, when specifically authorized by the Secretary of the Interior, for information leading to the apprehension and conviction of persons found guilty of the theft, damage, or destruction of public property: *Provided*, That no part of any sum provided for in this Act for operation and maintenance of any project or division of a project by the Bureau of Reclamation shall be used for the irrigation of any lands within the boundaries of an irrigation district which has contracted with the Bureau of Reclamation and which is in arrears for more than twelve months in the payment of any charges due the United States, and no part of any sum provided for in this Act for such purpose shall be used for the irrigation of any lands which have contracted with the Bureau of Reclamation and which are in arrears for more than twelve months in the payment of any charges due from said lands to the United States;

Examination and inspection of projects and operation and maintenance of reserved works: For examination of accounts and inspection of the works of various projects and divisions of projects operated and maintained by irrigation districts or water users' associations, and bookkeeping, accounting, clerical, legal, and other expenses incurred in accordance with contract provisions for the repayment of such expenses by the districts or associations; and for operation and maintenance of the reserved works of a project or division of a project when irrigation districts, water users' associations, or Warren Act contractors have contracted to pay in advance but have failed to pay their proportionate share of the cost of such operation and maintenance, to be expended under regulations to be prescribed by the Secretary of the Interior, the unexpended balance of the appropriation for this purpose for the fiscal year 1940, is continued available for the same purpose for the fiscal year 1941;

Yuma project, Arizona-California: For operation and maintenance, \$70,000: *Provided*, That not to exceed \$25,000 from the power

Administrative provisions and limitations.
32 Stat. 388.
43 U. S. C. § 391.

Proviso.
Restriction where district is in arrears.

Lands in arrears.

Examination and inspection of projects, etc.

36 Stat. 925.
43 U. S. C. §§ 523-525.

Yuma, Ariz.-Calif.
Proviso.

	revenues shall be available during the fiscal year 1941 for the operation and maintenance of the commercial system;
Colorado-Big Thompson, Colo.	Colorado-Big Thompson project, Colorado: Not to exceed \$50,000 from power revenues shall be available during the fiscal year 1941 for the operation and maintenance of the power system;
Boise, Idaho.	Boise project, Idaho: For operation and maintenance, \$65,000;
Minidoka, Idaho.	Minidoka project, Idaho: For operation and maintenance, reserved works, \$11,600: <i>Provided</i> , That not to exceed \$60,000 from the power revenues shall be available during the fiscal year 1941 for the operation of the commercial system; and not to exceed \$100,000 from power revenues shall be available during the fiscal year 1941 for continuation of construction, south side division;
Proviso.	
Buffalo Rapids, Mont.	Buffalo Rapids project, Montana: For operation and maintenance, \$25,000;
North Platte, Nebr.-Wyo.	North Platte project, Nebraska-Wyoming: Not to exceed \$70,000 from the power revenues shall be available during the fiscal year 1941, for the operation and maintenance of the commercial system; and not to exceed \$6,000 from power revenues allocated to the Northport irrigation district under subsection I, section 4, of the Act of December 5, 1924 (43 U. S. C. 501), shall be available during the fiscal year 1941 for payment on behalf of the Northport irrigation district, to the Farmers' irrigation district for carriage of water; and not to exceed \$25,000 from power revenues shall be available for betterments and additions to the power system;
43 Stat. 703.	
Rio Grande, N. Mex.-Tex.	Rio Grande project, New Mexico-Texas: For operation and maintenance, \$30,000: <i>Provided</i> , That not to exceed \$50,000 from power revenues shall be available during the fiscal year 1941 for the operation and maintenance of the power system;
Proviso.	
Owyhee, Oreg.	Owyhee project, Oregon: For operation and maintenance, \$115,000;
Klamath, Oreg.-Calif.	Klamath project, Oregon-California: For operation and maintenance, \$68,000: <i>Provided</i> , That revenues received from the lease of marginal lands, Tule Lake division, shall be available for refunds to the lessees in such cases where it becomes necessary to make refunds because of flooding or other reasons within the terms of such leases;
Proviso.	
Yakima, Wash.	Yakima project, Washington: For operation and maintenance, \$250,000: <i>Provided</i> , That not to exceed \$25,000 from power revenues shall be available during the fiscal year 1941 for operation and maintenance of the power system;
Proviso.	
Kendrick, Wyo.	Kendrick project, Wyoming: Not to exceed \$100,000 from the power revenues shall be available during the fiscal year 1941 for the operation and maintenance of the power system;
Riverton, Wyo.	Riverton project, Wyoming: For operation and maintenance, \$45,000: <i>Provided</i> , That not to exceed \$30,000 from the power revenues shall be available during the fiscal year 1941 for the operation and maintenance of the commercial system;
Proviso.	
Shoshone, Wyo.	Shoshone project, Wyoming: For operation and maintenance, Willwood division, \$13,000: <i>Provided</i> , That not to exceed \$30,000 from power revenues shall be available during the fiscal year 1941 for the operation and maintenance of the commercial system;
Proviso.	
Secondary and economic investigations.	Secondary and economic investigations: For cooperative and general investigations, including investigations necessary to determine the economic conditions and financial feasibility of projects and investigations and other activities relating to the reorganization, settlement of lands, and financial adjustments of existing projects, including examination of soils, classification of land, land-settlement activities, including advertising in newspapers and other publications, and obtaining general economic and settlement data, \$25,000, together

with the unexpended balance of the appropriation for these purposes for the fiscal year 1940: *Provided*, That the expenditures from this appropriation for any reclamation project shall be considered as supplementary to the appropriation for that project and shall be accounted for and returned to the reclamation fund as other expenditures under the Reclamation Act: *Provided further*, That the expenditure of any sums from this appropriation for investigations of any nature requested by States, municipalities, or other interests shall be upon the basis of the State, municipality, or other interest advancing at least 50 per centum of the estimated cost of such investigation;

Operation and maintenance administration: For necessary pay of employees, traveling and other expenses incident to the general administration of reclamation projects, either operated and maintained by the Bureau or transferred to water users' organizations for operation and maintenance, and incident to the sale of temporarily and permanently unproductive public lands as authorized by the Act of May 16, 1930 (46 Stat. 367), including giving information and advice to settlers on reclamation projects in the selection of lands, equipment, and livestock, the preparation of land for irrigation, the selection of crops, methods of irrigation and agricultural practice, and general farm management, the cost of which shall be charged to the general reclamation fund and shall not be charged as a part of the construction or operation and maintenance cost payable by the water users under the projects, \$35,000;

Limitation of expenditures: Under the provisions of this Act no greater sum shall be expended, nor shall the United States be obligated to expend during the fiscal year 1941, on any reclamation project appropriated for herein, an amount in excess of the sum herein appropriated therefor, nor shall the whole expenditures or obligations incurred for all of such projects for the fiscal year 1941 exceed the whole amount in the reclamation fund for the fiscal year;

Interchange of appropriations: Ten per centum of the foregoing amounts shall be available interchangeably for expenditures on the reclamation projects named; but not more than 10 per centum shall be added to the amount appropriated for any one of said projects, except that should existing works or the water supply for lands under cultivation be endangered by floods or other unusual conditions, an amount sufficient to make necessary emergency repairs shall become available for expenditure by further transfer of appropriation from any of said projects upon approval of the Secretary of the Interior;

Construction: For commencement and continuation of construction, and for general investigations and administrative expenses, of the following projects in not to exceed the following amounts, respectively, to be expended from the Reclamation Fund in the same manner and for the same objects of expenditure as specified for projects hereinbefore in this Act under the caption "Bureau of Reclamation", under the heading "Administrative provisions and limitations", but without regard to the amounts of the limitations therein set forth, all to be reimbursable under the reclamation law, and to remain available until expended:

Colorado-Big Thompson project, Colorado, \$2,000,000;

Uncompahgre project, Colorado, \$100,000;

Boise project, Idaho, Payette division, \$900,000; the sum heretofore appropriated for construction of the Twin Springs Dam and Snake River pumping plant shall remain available for construction of either or both of the same or such other project works on the Boise River or its tributaries as may be found by the Secretary of the Interior, following current investigations, to be more feasible;

Sun River project, Montana, \$50,000;

53 Stat. 715.
Provisos.
Expenditures considered supplementary; accounting.

Investigations; division of expenses.

Operation and maintenance administration.

43 U. S. C. §§ 424-424e.
Information to settlers.

Limitation of expenditures.

Interchange of appropriations.

Emergency flood repairs.

Construction of designated projects.

Ante, p. 433.

Colorado-Big Thompson, Colo.
Uncompahgre, Colo.
Boise, Idaho, Payette division.

Sun River, Mont.

Humboldt, Nev.	Humboldt project, Nevada, \$100,000;
Carlsbad, N. Mex.	Carlsbad project, New Mexico, \$100,000;
Rio Grande, N. Mex.-Tex.	Rio Grande project, New Mexico-Texas, \$72,000;
Deschutes, Oreg.	Deschutes project, Oregon, \$400,000;
Klamath, Oreg.- Calif. <i>Proviso.</i>	Klamath project, Oregon-California, \$200,000: <i>Provided, That</i> expenditures from this appropriation and from any other appropri- ation for the construction of the Modoc Unit shall be reimbursed from net revenues hereafter received from the lease of grazing and farming lands within the Tule Lake Division, notwithstanding the provisions of subsection I of section 4 of the Act of December 5, 1924 (43 Stat. 703; 43 U. S. C. 373a);
43 U. S. C. § 501.	
Provo River, Utah.	Provo River project, Utah, \$1,250,000;
Yakima, Wash.	Yakima project, Washington, Roza division, \$500,000;
Kendrick, Wyo.	Kendrick project, Wyoming, \$900,000;
Riverton, Wyo.	Riverton project, Wyoming, \$200,000;
Shoshone, Wyo.	Shoshone project, Wyoming: Heart Mountain division, \$350,000;
General investiga- tions.	General investigations: To enable the Secretary of the Interior, through the Bureau of Reclamation, to carry on engineering and economic investigations of proposed Federal reclamation projects, surveys for reconstruction, rehabilitation, or extensions of existing projects, and studies of water conservation and development plans, including Colorado River Basin investigations, such investigations, surveys, and studies to be carried on by said Bureau either independ- ently, or, if deemed advisable by the Secretary of the Interior, in cooperation with State agencies and other Federal agencies, including the Corps of Engineers, National Resources Planning Board, and the Federal Power Commission, \$600,000;
Administrative ex- penses.	For administrative expenses on account of the above projects, including personal services (not to exceed \$90,000) and other expenses in the District of Columbia and personal services and other expenses in the field, \$750,000;
Total.	Total, construction, from reclamation fund, \$8,472,000.
Public Works Ad- ministration. Allotments, etc., continued available. 48 Stat. 195.	The Public Works Administration allotments made available to the Department of the Interior, Bureau of Reclamation, pursuant to the National Industrial Recovery Act of June 16, 1933, either by direct allotments or by transfer of allotments originally made to another Department or agency, and the allocations made to the Department of the Interior, Bureau of Reclamation, from the appro- priation contained in the Emergency Relief Appropriation Act of 1935, the Emergency Relief Appropriation Act of 1937, and the Public Works Administration Appropriation Act of 1938, shall remain available for the purposes for which allotted during the fiscal year 1941.
49 Stat. 115; 50 Stat. 352; 52 Stat. 816.	Total, from reclamation fund, \$9,374,600.
Total.	To defray the cost of operating and maintaining the Colorado River front work and levee system adjacent to the Yuma Federal irrigation project in Arizona and California, subject only to sec- tion 4 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and har- bors, and for other purposes", approved January 21, 1927 (44 Stat. 1010), \$15,000, together with the unexpended balance of the appro- priation for the fiscal year 1940.
Colorado River front work and levee system.	Boulder Canyon project: For the continuation of construction of the Boulder Dam and incidental works in the main stream of the Colorado River at Black Canyon, to create a storage reservoir, and of a complete plant and incidental structures suitable for the fullest economic development of electrical energy from the water discharged from such reservoir; to acquire by proceedings in eminent domain, or otherwise, all lands, rights-of-way, and other property
44 Stat. 1016. 53 Stat. 717.	
Boulder Canyon. Construction, etc.	
Acquisition of lands, etc.	

necessary for such purposes; and for incidental operations, as authorized by the Boulder Canyon Project Act, approved December 21, 1928 (43 U. S. C., ch. 12A); \$4,000,000, to be immediately available and to remain available until advanced to the Colorado River Dam fund; and there shall also be available from power and other revenues not to exceed \$500,000 for operation and maintenance of the Boulder Dam, power plant, and other facilities, including payment to the Boulder City School District, as reimbursement for instruction during the 1940-1941 school year in the schools operated by said district of each pupil who is a dependent of any employee of the United States living in or in the immediate vicinity of Boulder City, in the sum of \$45 per semester per pupil in average daily attendance at said schools, payable after the term of instruction in any semester has been completed, under regulations to be prescribed by the Secretary of the Interior, and in addition thereto the sum of \$18,000 shall be available from such revenues for the purchase of school equipment; which amounts of \$4,000,000 and \$500,000 shall be available for personal services in the District of Columbia (not to exceed \$25,000) and in the field and for all other objects of expenditure that are specified for projects hereinbefore included in this Act, under the caption "Bureau of Reclamation, administrative provisions and limitations", without regard to the amounts of the limitations therein set forth: *Provided*, That the Secretary of the Interior is hereby authorized and empowered, under such rules and regulations as he may prescribe, to establish rental rates for the lease of reserved lands of the United States situate within the exterior boundaries of Boulder City, Nevada, and, without prior advertising, to enter into leases therefor at not less than rates so established and for periods not exceeding fifty-three years from the date of such leases: *Provided further*, That all revenues which may accrue to the United States under the provisions of such leases shall be deposited in the Treasury and credited to the Colorado River Dam fund established by section 2 of the Boulder Canyon Project Act.

Boulder Canyon project (All-American Canal): For continuation of construction of a diversion dam, and main canal (and appurtenant structures including distribution and drainage systems) located entirely within the United States connecting the diversion dam with the Imperial and Coachella Valleys in California; to acquire by proceedings in eminent domain, or otherwise, all lands, rights-of-way, and other property necessary for such purposes; and for incidental operations, as authorized by the Boulder Canyon Project Act, approved December 21, 1928 (43 U. S. C., ch. 12A); to be immediately available and to remain available until advanced to the Colorado River Dam fund, \$1,500,000, which amount shall be available for personal services in the District of Columbia (not to exceed \$5,000) and in the field and for all other objects of expenditure that are specified for projects hereinbefore included in this Act under the caption "Bureau of Reclamation, Administrative provisions and limitations", without regard to the amounts of the limitations therein set forth.

GENERAL FUND, CONSTRUCTION

For continuation of construction of the following projects and for administrative expenses in not to exceed the following amounts, respectively, to be expended from the general fund of the Treasury in the same manner and for the same objects of expenditures as specified for projects included hereinbefore in this Act under the

45 Stat. 1057.

Boulder City School District, reimbursement for instruction.

Personal services.

Ante, p. 433.*Proviso*.
Rental rates; leases.

Credit of accrued revenues.

45 Stat. 1057.
43 U. S. C. § 617a.Boulder Canyon (All-American Canal).
Construction, etc.

Acquisition of lands, etc.

45 Stat. 1057.

Personal services.

Ante, p. 433.Construction of designated projects, etc.; reimbursement.
Post, p. 1041.

<i>Ante</i> , p. 433.	caption "Bureau of Reclamation" under the heading "Administrative provisions and limitations", but without regard to the amounts of the limitations therein set forth, to be immediately available, to remain available until expended, and to be reimbursable (except as to the Pine River project, Colorado, and the Colorado River project, Texas) under the reclamation law:
Parker Dam, Ariz.-Calif. 53 Stat. 633.	Parker Dam Power project, Arizona-California, \$3,500,000, together with the unexpended balance of the appropriation of \$4,000,000 for this project contained in the Second Deficiency Appropriation Act, fiscal year 1939;
Central Valley, Calif. Pine River, Colo. San Luis Valley, Colo.	Central Valley project, California, \$23,600,000; Pine River project, Colorado, \$400,000;
<i>Proviso.</i> Construction of Closed Basin Drain; contingencies.	San Luis Valley project, Colorado: For further investigations, exploratory and preparatory work, and commencement of construction in accordance with House Document Numbered 693, Seventy-sixth Congress, third session: <i>Provided</i> , That commencement of construction of the Closed Basin Drain feature shall be contingent on (a) a conclusive finding of justification for the drain on the basis of cost and the quantity and quality of water to be secured, and (b) adequate arrangements for maintenance of the drain, \$150,000: <i>Provided further</i> , That any works to be constructed by virtue of investigations or surveys resulting from this appropriation, shall be so constructed and operated as not to interfere with the operation of or abrogate any of the terms of the Rio Grande Interstate Compact, and any contracts, permits, or licenses relating to such works entered into by the United States shall provide specifically that all rights thereunder shall be subject to and controlled by the provisions of said Rio Grande Interstate Compact;
Noninterference with Rio Grande Interstate Compact. 53 Stat. 785.	Colorado River project, Texas, \$3,000,000: <i>Provided</i> , That the Secretary of the Interior, by contracts entered into pursuant to the authority of the Act of August 26, 1937 (50 Stat. 844-850), shall require reimbursement of expenditures for construction of Marshall Ford Dam, to the extent and in the manner determined by him;
Colorado River, Tex. <i>Proviso.</i> Marshall Ford Dam. Grand Coulee Dam, Wash. 50 Stat. 210. 16 U. S. C., Supp. V, § 835a. Administrative expenses.	Grand Coulee Dam project, Washington: For continuation of construction of Grand Coulee Dam and appurtenant works, \$12,000,000, of which not to exceed \$350,000 may be used for the purposes set out in section 2 of the Act of May 27, 1937 (50 Stat. 208); For administrative expenses on account of the above projects, including personal services (not to exceed \$100,000) and other expenses in the District of Columbia and personal services and other expenses in the field, \$700,000.
Total.	Total, general fund construction, \$43,350,000.

WATER CONSERVATION AND UTILITY PROJECTS

Construction, etc.	For the construction of water conservation and utilization projects and small reservoirs, including not to exceed \$196,000 for surveys, investigations, and administrative expenses in connection therewith (of which not to exceed \$20,000 shall be available for personal services in the District of Columbia), all as authorized by the Act of August 11, 1939 (53 Stat. 1418), \$3,500,000.
16 U. S. C., Supp. V, §§ 590y-590bb. Reappropriation. 53 Stat. 719.	The appropriation of \$5,000,000 contained in the Interior Department Appropriation Act, 1940, is hereby made available until expended and may be expended in the same manner and for the same objects of expenditure as specified hereinbefore in this Act under the headings "Salaries and expenses" and "Administrative provisions and limitations" under the caption "Bureau of Reclamation", but without regard to the limitations therein set forth.
<i>Ante</i> , pp. 432, 433.	

It is hereby declared to be the policy of the Congress that, in the opening to entry of newly irrigated public lands, preference shall be given to families who have no other means of earning a livelihood, or who have been compelled to abandon, through no fault of their own, other farms in the United States, and with respect to whom it appears after careful study, in the case of each such family, that there is a probability that such family will be able to earn a livelihood on such irrigated lands.

Opening to entry of newly irrigated public lands, preference.

GEOLOGICAL SURVEY

For every expenditure requisite for and incident to the authorized work of the Geological Survey, including personal services in the District of Columbia and in the field, including not to exceed \$45,000 for the purchase and exchange, and not to exceed \$70,000 for the hire, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for field use only by geologists, topographers, engineers, and land classifiers, and the Geological Survey is authorized to exchange unserviceable and worn out passenger-carrying and freight-carrying vehicles as part payment for new freight-carrying vehicles, and including not to exceed \$3,000 for necessary traveling expenses of the Director and members of the Geological Survey acting under his direction, for attendance upon meetings of technical, professional, and scientific societies when required in connection with the authorized work of the Geological Survey, to be expended under the regulations from time to time prescribed by the Secretary of the Interior, and under the following heads:

Salaries: For the Director of the Geological Survey and other personal services in the District of Columbia, \$150,000;

Topographic surveys: For topographic surveys in various portions of the United States, \$759,010, of which amount not to exceed \$250,000 may be expended for personal services in the District of Columbia: *Provided*, That no part of this appropriation shall be expended in cooperation with States or municipalities except upon the basis of the State or municipality bearing all of the expense incident thereto in excess of such an amount as is necessary for the Geological Survey to perform its share of standard topographic surveys, such share of the Geological Survey in no case exceeding 50 per centum of the cost of the survey: *Provided further*, That \$275,000 of this amount shall be available only for such cooperation with States or municipalities;

Geologic surveys: For geologic surveys in the various portions of the United States and chemical and physical researches relative thereto, \$500,000, of which not to exceed \$300,000 may be expended for personal services in the District of Columbia;

Strategic and critical minerals: For scientific and economic investigations of strategic and critical minerals in the United States or its Territories or insular possessions, as authorized by the Act of June 7, 1939 (53 Stat. 811), \$145,000, of which amount not to exceed \$25,000 may be expended for personal services in the District of Columbia;

Mineral resources of Alaska: For continuation of the investigation of the mineral resources of Alaska, \$60,000, to be available immediately, of which amount not to exceed \$25,000 may be expended for personal services in the District of Columbia;

Gaging streams: For gaging streams and determining the water supply of the United States, the investigation of underground currents and artesian wells, and the preparation of reports upon the

General expenses.

Vehicles.

Traveling expenses.

Salaries.

Topographic surveys.
Post, p. 509.

Provisos.
Cooperation with States.

Amount available.

Geologic surveys.

Strategic and critical minerals.
Post, p. 1041.

50 U. S. C., Supp. V, §§ 98-98f.

Mineral resources of Alaska.

Gaging streams; investigations, etc.

<i>Provisos.</i> Cooperation with States.	<p>best methods of utilizing the water resources, \$1,224,500, of which amount not to exceed \$140,000 may be expended for personal services in the District of Columbia: <i>Provided</i>, That no part of this appropriation shall be expended in cooperation with States or municipalities except upon the basis of the State or municipality bearing all of the expense incident thereto in excess of such an amount as is necessary for the Geological Survey to perform its share of general water resource investigations, such share of the Geological Survey in no case exceeding 50 per centum of the cost of the investigation: <i>Provided further</i>, That \$1,000,000 of this amount shall be available only for such cooperation with States or municipalities;</p>
Amount available.	<p>Classification of lands: For the examination and classification of lands with respect to mineral character and water resources as required by the public-land laws and for related administrative operations; for the preparation and publication of mineral-land classification and water-resources maps and reports; for engineering supervision of power permits and grants under the jurisdiction of the Secretary of the Interior; and for performance of work of the Federal Power Commission, \$105,000, of which amount not to exceed \$60,000 may be expended for personal services in the District of Columbia;</p>
Printing and binding, etc.	<p>Printing and binding, and so forth: For printing and binding, \$130,000; for preparation of illustrations, \$25,000; and for engraving and printing geologic and topographic maps, \$173,400; in all, \$328,400;</p>
Mineral leasing. 38 Stat. 742; 40 Stat. 297; 41 Stat. 437, 1363.	<p>Mineral leasing: For the enforcement of the provisions of the Acts of October 20, 1914 (48 U. S. C. 435), October 2, 1917 (30 U. S. C. 141), February 25, 1920 (30 U. S. C. 181), as amended, and March 4, 1921 (48 U. S. C. 444), and other Acts relating to the mining and recovery of minerals on Indian and public lands and naval petroleum reserves; and for every other expense incident thereto, including supplies, equipment, expenses of travel and subsistence, the construction, maintenance, and repair of necessary camp buildings and appurtenances thereto, \$315,000, of which amount not to exceed \$65,000 may be expended for personal services in the District of Columbia;</p>
Supplies, etc.	<p>During the fiscal year 1941 the head of any department or independent establishment of the Government having funds available for scientific and technical investigations and requiring cooperative work by the Geological Survey on scientific and technical investigations within the scope of the functions of that Bureau and which it is unable to perform within the limits of its appropriations may, with the approval of the Secretary of the Interior, transfer to the Geological Survey such sums as may be necessary to carry on such investigations. The Secretary of the Treasury shall transfer on the books of the Treasury Department any sums which may be authorized hereunder, and such amounts shall be placed to the credit of the Geological Survey for the performance of work for the department or establishment from which the transfer is made: <i>Provided</i>, That any sums transferred by any department or independent establishment of the Government to the Geological Survey for cooperative work in connection with this appropriation may be expended in the same manner as sums appropriated herein may be expended: <i>Provided further</i>, That any funds herein appropriated for the Geological Survey for cooperative work may be utilized prior to July 1, 1940, as required to enable the Geological Survey to continue its cooperative work pending reimbursement from cooperative agencies, the amount required for such cooperative work to be placed to the credit of the 1940 appropriation account of the Geological</p>
Cooperative work on scientific, etc., in- vestigations.	<p><i>Provisos.</i> Expenditure.</p>
Transfer of funds.	
Cooperative work; availability of funds.	

Survey and subsequently repaid to the appropriation from which advanced;

During the fiscal year 1941, upon the request of the Secretary of the Interior, the Secretary of War or the Secretary of the Navy is authorized to furnish aerial photographs required for mapping projects, insofar as the furnishing of such photographs will be economical to the Federal Government and does not conflict with military or naval operations or the other parts of the regular training program of the Army, Navy, and Marine Corps flying services, and the Secretary of the Interior is authorized to reimburse the War or Navy Department for the cost of making the photographs, such cost to be confined to the actual cost of gasoline, oil, film, paper, chemicals, and the labor performed in developing the photographic negatives and the printing of copies of photographs, and the per diem expenses of the personnel authorized by law, together with such incidental expenses as care and minor repairs to plane and transportation of personnel to and from projects, and the War Department or the Navy Department, on request of the Department of the Interior, is authorized to furnish copies to any State, county, or municipal agency cooperating with the Federal Government in the mapping project for which the photographs were taken. In the event that the Director of the Geological Survey deems it advantageous to the Government, the Geological Survey is authorized to contract with civilian aerial photographic concerns for the furnishing of such photographs or for the furnishing of topographic maps made from such photographs;

Appropriations herein made, and funds transferred thereto, shall be available for payment of the costs of packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station, under regulations to be prescribed by the Secretary of the Interior;

In all, salaries and expenses, United States Geological Survey, \$3,586,910.

Aerial photographs for mapping projects.

Copies.

Contracts with civilian concerns.

Transportation of personal effects of employees.

Total.

BUREAU OF MINES

SALARIES AND GENERAL EXPENSES

Salaries and general expenses: For general expenses, including pay of the Director and necessary assistants, clerks, and other employees, in the office in the District of Columbia and in the field, and every other expense requisite for and incident to the general work of the Bureau in the District of Columbia and in the field, to be expended under the direction of the Secretary of the Interior, \$64,000, of which amount not to exceed \$51,440 may be expended for personal services in the District of Columbia;

Operating mine rescue cars and stations and investigation of mine accidents: For the investigation and improvement of mine-rescue and first-aid methods and appliances and the teaching of mine safety, rescue, and first-aid methods; investigations as to the causes of mine explosions, causes of falls of roof and coal, methods of mining, especially in relation to the safety of miners, the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the use of explosives and electricity, the prevention of accidents, statistical studies and reports relating to mine accidents, and other inquiries and technologic investigations pertinent to the mining industry; the exchange in part payment for operation, maintenance, and repair of mine-rescue trucks; the construction of temporary structures and the repair, maintenance, and operation of mine-rescue cars and the Government-owned mine-rescue stations and appurtenances thereto; personal

Salaries and general expenses.

Operating mine rescue cars, etc., and investigation of mine accidents.

services, traveling expenses and subsistence, equipment, and supplies; travel and subsistence, and other incidental expenses of employees in attendance at meetings and conferences held for the purpose of promoting safety and health in the mining and allied industries; purchase not exceeding \$6,000, exchange as part payment for, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles for official use in field work; purchase and exchange in part payment therefor of cooks' uniforms, goggles, gloves, rubber boots, aprons, and such other articles or equipment as may be necessary in connection with the purposes of this paragraph; including not to exceed \$67,110 for personal services in the District of Columbia; and including not to exceed \$20,000 for the necessary employees and other expenses connected with the establishment and maintenance of a mine-rescue station to serve the New York and New England area, as authorized by the Act of March 3, 1915 (30 U. S. C., sec. 8), \$676,000: *Provided*, That of this amount not to exceed \$500 may be expended for the purchase and bestowal of trophies in connection with mine-rescue and first-aid contests;

Vehicles.

Mine-rescue station for New York and New England area.

38 Stat. 959.
Proviso.
Trophies.

Testing fuel.

Testing fuel: To conduct inquiries and scientific and technologic investigations concerning the mining, preparation, treatment, and use of mineral fuels, and for investigation of mineral fuels belonging to or for the use of the United States, with a view to their most efficient utilization; to recommend to various departments such changes in selection and use of fuel as may result in greater economy, and, upon request of the Director of the Bureau of the Budget, to investigate the fuel-burning equipment in use by or proposed for any of the departments, establishments, or institutions of the United States in the District of Columbia, \$263,900, of which amount not to exceed \$29,400 may be expended for personal services in the District of Columbia;

Mineral mining investigations.

Mineral mining investigations: For inquiries and scientific and technologic investigations concerning the mining, preparation, treatment, and utilization of ores and mineral substances, other than fuels, with a view to improving health conditions and increasing safety, efficiency, economic development, and conserving resources through the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; to inquire into the economic conditions affecting these industries; and including all equipment, supplies, expenses of travel and subsistence, and the purchase, not to exceed \$12,000, including exchange, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles for official use in field work, including not to exceed \$27,900 for personal services in the District of Columbia, \$278,060: *Provided*, That no part of this appropriation may be expended for an investigation in behalf of any private party;

Vehicles.

Proviso.
Investigations for private parties.

Oil and gas investigations.

Oil and gas investigations: For inquiries and investigations and dissemination of information concerning the mining, preparation, treatment, and utilization of petroleum and natural gas, including economic conditions affecting the industry, with a view to economic development and conserving resources through the prevention of waste; for the purchase of newspapers relating to the oil, gas, and allied industries: *Provided*, That section 192 of the Revised Statutes (5 U. S. C. 102) shall not apply to such purchase of newspapers from this appropriation; and for every other expense incident thereto, including supplies, equipment, expenses of travel and subsistence, purchase, not to exceed \$6,500, exchange as part payment for, maintenance, and operation of motor propelled passenger-carrying vehicles for official use in field work, purchase of laboratory gloves, goggles, rubber boots, and aprons, \$260,000, of which amount not to

Proviso.
Purchase of newspapers, etc.

Vehicles.

exceed \$22,600 may be expended for personal services in the District of Columbia;

Mining experiment stations: For the employment of personal services, purchase of laboratory gloves, goggles, rubber boots, and aprons, the purchase not to exceed \$3,000, exchange as part payment for, maintenance and operation of motor-propelled passenger-carrying vehicles for official use in field work, and all other expenses in connection with the establishment, maintenance, and operation of mining experiment stations, as provided in the Act authorizing additional mining experiment stations, approved March 3, 1915 (30 U. S. C. 8), \$567,000, of which appropriation not to exceed \$17,100 may be expended for personal services in the District of Columbia;

Mining experiment stations.
Post, p. 1042.

38 Stat. 959.

Buildings and grounds, Pittsburgh, Pennsylvania: For care and maintenance of buildings and grounds at Pittsburgh and Bruceton, Pennsylvania, including personal services, the purchase, exchange as part payment for, operation, maintenance, and repair of passenger automobiles for official use, and all other expenses requisite for and incident thereto, including not to exceed \$5,000 for additions and improvements, \$100,000;

Buildings and grounds, Pittsburgh and Bruceton, Pa.

Economics of mineral industries: For inquiries and investigations, and the dissemination of information concerning the economic problems of the mining, quarrying, metallurgical, and other mineral industries, with a view to assuring ample supplies and efficient distribution of the mineral products of the mines and quarries, including studies and reports relating to uses, reserves, production, distribution, stocks, consumption, prices, and marketing of mineral commodities and primary products thereof; preparation of the reports of the mineral resources of the United States, including special statistical inquiries; and including personal services in the District of Columbia and elsewhere; purchase of furniture and equipment; stationery and supplies; typewriting, adding and computing machines, accessories and repairs; newspapers; traveling expenses; purchase, not exceeding \$1,200, exchange as part payment for, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles for official use in field work; and for all other necessary expenses not included in the foregoing, \$336,920, of which amount not to exceed \$234,000 may be expended for personal services in the District of Columbia;

Economics of mineral industries.
Post, p. 1041.

Vehicles.

Investigation of domestic sources of mineral supply: For every expenditure requisite for and incident to the work of the Bureau of Mines in performing the duties imposed upon it by section 7 of the Act of June 7, 1939 (Public, Numbered 117, Seventy-sixth Congress); including the purchase of professional and scientific books; not to exceed \$1,000 for printing and binding; purchase not to exceed \$15,000, exchange as part payment for, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles for official use in field work and in transporting employees between their homes and temporary locations where they may be employed; purchase of goggles, gloves, rubber boots, miners' hats, aprons, and such other articles of personal wearing apparel or equipment as may be required for the protection of employees while engaged in their work; the construction, maintenance, and repair of necessary camp buildings and mining structures and appurtenances thereto; and including not to exceed \$15,000 for personal services in the District of Columbia, \$350,000: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered when the amount involved does not exceed the sum of \$500;

Investigation of domestic sources of mineral supply.
Post, p. 1042.

53 Stat. 812.
50 U. S. C., Supp. V, § 981.
Printing and binding.
Vehicles.

Proviso.
Minor purchases.
Post, p. 1109.

Helium production and investigations: The sums made available for the fiscal year 1941 in the Acts making appropriations for the

Helium production and investigations.
Ante, pp. 282, 364, 365.

Maintenance, etc., of plants. War and Navy Departments for the acquisition of helium from the Bureau of Mines shall be transferred to the Bureau of Mines on July 1, 1940, for operation and maintenance of the plants for the production of helium for military and naval purposes, including laboratory gloves, goggles, rubber boots, and aprons; purchase, not to exceed \$1,200, and exchange as part payment for, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles for official use in field work, and all other necessary expenses, and including \$11,300 for personal services in the District of Columbia;

Cooperative work on scientific investigations. During the fiscal year 1941 the head of any department or independent establishment of the Government having funds available for scientific investigations and requiring cooperative work by the Bureau of Mines on scientific investigations within the scope of the functions of that Bureau and which it is unable to perform within the limits of its appropriations may, with the approval of the Secretary of the Interior, transfer to the Bureau of Mines such sums as may be necessary to carry on such investigations. The Secretary of the Treasury shall transfer on the books of the Treasury Department any sums which may be authorized hereunder, and such amounts shall be placed to the credit of the Bureau of Mines for the performance of work for the department or establishment from which the transfer is made: *Provided*, That any sums transferred by any department or independent establishment of the Government to the Bureau of Mines for cooperative work in connection with this appropriation may be expended in the same manner as sums appropriated herein may be expended;

Transfer of sums. For necessary traveling expenses of the Director and employees of the Bureau, acting under his direction, for attendance upon meetings of technical, professional, and scientific societies, when required in connection with the authorized work of the Bureau of Mines and incurred on the written authority of the Secretary of the Interior, there is hereby made available from any appropriations made to the Bureau of Mines not to exceed in all, \$3,000;

Proviso. Expenditure. Persons employed during the fiscal year 1941 in field work outside of the District of Columbia under the Bureau of Mines may be detailed temporarily for service in the District of Columbia for the purpose of preparing results of their field work; all persons so detailed shall be paid in addition to their regular compensation only traveling expenses in going to and returning therefrom: *Provided*, That nothing herein shall prevent the payment to employees of the Bureau of Mines of their necessary expenses, or per diem in lieu of subsistence, while on temporary detail in the District of Columbia for purposes only of consultation or investigations on behalf of the United States.

Traveling expenses. All details made hereinunder, and the purposes of each, during the preceding fiscal year shall be reported in the annual estimates of appropriations to Congress at the beginning of each regular session thereof;

Detail of field employees. The Federal Security Administrator may detail medical officers of the Public Health Service for cooperative health, safety, or sanitation work with the Bureau of Mines, and the compensation and expenses of the officers so detailed may be paid from the applicable appropriations made herein for the Bureau of Mines;

Proviso. Payment of employees' expenses. Notwithstanding any other provisions of law, Royd R. Sayers, a commissioned officer on the active list, United States Public Health Service, is authorized to hold the office of Director of the Bureau of Mines in the Department of the Interior without loss of or prejudice to his status as a commissioned officer on the active list of the United States Public Health Service and if appointed to such civil office he shall receive in lieu of his pay and allowances as such commissioned officer the salary prescribed by law for such civil office;

Report to Congress. Holding of designated office by Royd R. Sayers.

Appropriations for the fiscal year 1941 available for expenses of travel of officers and employees of the Bureau of Mines, and funds transferred thereto, shall be available for expenses of travel performed by them on transfer from one official station to another when authorized by the Secretary of the Interior, and for the expenses incurred in packing, crating, drayage, and transportation of household effects and other personal property of employees so transferred, under regulations to be prescribed by the Secretary of the Interior;

Total, Bureau of Mines, \$2,895,880.

NATIONAL PARK SERVICE

Salaries: For the Director of the National Park Service and other personal services in the District of Columbia, including accounting services in checking and verifying the accounts and records of the various operators, licensees, and permittees conducting utilities and other enterprises within the national parks and monuments, and including the services of specialists and experts for investigations and examinations of lands to determine their suitability for national-park and national-monument purposes: *Provided*, That such specialists and experts may be employed for temporary service at rates to be fixed by the Secretary of the Interior to correspond to those established by the Classification Act of 1923, as amended, and without reference to the Civil Service Act of January 16, 1883, \$270,000, of which amount not to exceed \$19,200 may be expended for the services of field employees engaged in examination of lands and in developing the educational work of the National Park Service.

Regional offices: For salaries and expenses of regional offices necessary in the administration, protection, maintenance, and improvement of the National Park System, including not to exceed \$1,200 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, and not exceeding \$8,000 for personal services in the District of Columbia, \$34,000.

General expenses: For every expenditure requisite for and incident to the authorized work of the office of the Director of the National Park Service not herein provided for, including traveling expenses, telegrams, photographic supplies, prints, and motion-picture films, necessary expenses of attendance at meetings concerned with the work of the National Park Service when authorized by the Secretary of the Interior, and necessary expenses of field employees engaged in examination of lands and in developing the educational work of the National Park Service, \$36,500: *Provided*, That necessary expenses of field employees in attendance at such meetings, when authorized by the Secretary, shall be paid from the various park and monument appropriations.

Acadia National Park, Maine: For administration, protection, maintenance, and improvement, including \$3,000 for George B. Dorr as superintendent without regard to the requirements of the provisions of the Civil Service Retirement Act approved May 22, 1920 (5 U. S. C. 691-693, 697-731), as amended, \$3,000 for temporary clerical services for investigation of titles and preparation of abstracts thereof of lands donated to the United States for inclusion in the Acadia National Park, and not exceeding \$1,500 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$52,700.

Bryce Canyon National Park, Utah: For administration, protection, maintenance, and improvement, including not exceeding \$300 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with the general park work, \$18,910.

Traveling expenses, etc., on change of station.

Total.

Salaries.

Specialists and experts.

Proviso.
Employment without reference to Civil Service, etc., acts.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V. §§ 673, 673c.
22 Stat. 403.
5 U. S. C., ch. 12;
Supp. V, ch. 12.

Regional offices.

General expenses.

Proviso.
Field employees, attendance at meetings.

National parks, administration, etc.
Acadia, Maine.
George B. Dorr.
41 Stat. 614.

Bryce Canyon, Utah.

Carlsbad Caverns,
N. Mex.

Carlsbad Caverns National Park, New Mexico: For administration, protection, maintenance, and improvement, including not exceeding \$1,550 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$103,840.

Crater Lake, Oreg.

Crater Lake National Park, Oregon: For administration, protection, maintenance, and improvement, including not exceeding \$1,395 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$89,400.

General Grant,
Calif.

General Grant National Park, California: For administration, protection, maintenance, and improvement, including not exceeding \$500 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, \$22,405.

Glacier, Mont.

Glacier National Park, Montana: For administration, protection, maintenance, and improvement, including necessary repairs to the roads from Glacier Park Station through the Blackfeet Indian Reservation to the various points in the boundary line of the Glacier National Park and the international boundary, including not exceeding \$1,400 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$205,400.

Grand Canyon,
Ariz.

Grand Canyon National Park, Arizona: For administration, protection, maintenance, and improvement, including not exceeding \$1,000 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$132,580.

Grand Teton, Wyo.

Grand Teton National Park, Wyoming: For administration, protection, maintenance, and improvement, including not exceeding \$500 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$28,940.

Great Smoky Moun-
tains, N. C.-Tenn.

Great Smoky Mountains National Park, North Carolina and Tennessee: For administration, protection, maintenance, and improvement, including not to exceed \$1,150 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for use in connection with general park work, \$101,670.

Hawaii.

Hawaii National Park: For administration, protection, maintenance, and improvement, including not exceeding \$650 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$62,000.

Hot Springs, Ark.

Hot Springs National Park, Arkansas: For administration, protection, maintenance, and improvement, including not exceeding \$700 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$73,670.

Isle Royale, Mich.,
proposed.

53 Stat. 727.

Proposed Isle Royale National Park, Michigan: The unexpended balance of the appropriation under this head in the Interior Department Appropriation Act, 1940, is hereby made available for the same purposes and under the same conditions until June 30, 1941.

Kings Canyon,
Calif.

Kings Canyon National Park, California: For administration, protection, maintenance, and improvement, including not exceeding \$1,050 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, \$11,000.

Lassen Volcanic,
Calif.

Lassen Volcanic National Park, California: For administration, protection, maintenance, and improvement, including not exceeding

\$700 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, and including not to exceed \$1,000 for the maintenance of approach roads through the Lassen National Forest, \$52,590.

Mesa Verde National Park, Colorado: For administration, protection, maintenance, and improvement, including not exceeding \$1,400 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$58,215.

Mount McKinley National Park, Alaska: For administration, protection, maintenance, and improvement, including not exceeding \$200 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$28,120.

Mount Rainier National Park, Washington: For administration, protection, maintenance, and improvement, including not exceeding \$2,150 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$150,300.

Olympic National Park, Washington: For administration, protection, maintenance, and improvement, including not exceeding \$300 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$54,400.

Platt National Park, Oklahoma: For administration, protection, maintenance, and improvement, including not exceeding \$300 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, and including not exceeding \$3,500 for the purchase of land, \$24,075.

Rocky Mountain National Park, Colorado: For administration, protection, maintenance, and improvement, including not exceeding \$800 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of superintendent and employees in connection with general park work, \$97,455.

Sequoia National Park, California: For administration, protection, maintenance, and improvement, including not exceeding \$850 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, including maintenance and repair of the Generals Highway between the boundaries of Sequoia and General Grant National Parks, \$126,165.

Shenandoah National Park, Virginia: For administration, protection, maintenance, and improvement, including not exceeding \$900 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$93,610.

Wind Cave National Park, South Dakota: For administration, protection, maintenance, and improvement, including not exceeding \$200 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$22,200.

Yellowstone National Park, Wyoming: For administration, protection, maintenance, and improvement, including not exceeding \$3,000 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, not exceeding \$15,500 for maintenance of the roads in the national

Mesa Verde, Colo.

Mount McKinley,
Alaska.
Ante, p. 81.

Mount Rainier,
Wash.

Olympic, Wash.

Platt, Okla.

Rocky Mountain,
Colo.

Sequoia, Calif.

Shenandoah, Va.

Wind Cave, S. Dak.

Yellowstone, Wyo.

Yosemite, Calif.	forests leading out of the park from the east, northeast, southwest, and south boundaries, and including feed for buffalo and other animals and salaries of buffalo keepers, \$461,960.
Zion, Utah.	Yosemite National Park, California: For administration, protection, maintenance, and improvement, including not exceeding \$1,800 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, not exceeding \$2,000 for maintenance of the road in the Stanislaus National Forest connecting the Tioga Road with the Hetch Hetchy Road near Mather Station, and including necessary expenses of a comprehensive study of the problems relating to the use and enjoyment of the Yosemite National Park and the preservation of its natural features, \$340,695.
National monuments.	Zion National Park, Utah: For administration, protection, maintenance, and improvement, including not exceeding \$620 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$49,870.
National historical parks and monuments. <i>Post</i> , p. 1042.	National monuments: For administration, protection, maintenance, improvement, and preservation of national monuments, including not exceeding \$3,500 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the custodians and employees in connection with general monument work, \$342,795.
<i>Proviso.</i> Vanderbilt Historical Monument, N. Y.	National historical parks and monuments: For administration, protection, maintenance, and improvement, including not exceeding \$5,925 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, and not exceeding \$50,000 for the purchase of lands and interests in lands, including expenses incidental thereto, \$251,325: <i>Provided</i> , That the total sum expended in any fiscal year after the fiscal year 1941 for maintenance of the Vanderbilt Historical Monument in Dutchess County, New York, shall not exceed the total sum of the admission fees collected at such monument during the previous fiscal year.
Patrick Henry National Monument, Va.	Patrick Henry National Monument: Toward the acquisition of the estate of Patrick Henry in Charlotte County, Virginia, known as Red Hill, and including all expenses incidental to such acquisition, to be known as the Patrick Henry National Monument, in accordance with the provisions of the Acts of August 15, 1935 (49 Stat. 652), and January 29, 1940 (Public, Numbered 408, Seventy-sixth Congress), \$25,000.
16 U. S. C., Supp. V, §§ 450f-450k. <i>Ante</i> , p. 18.	Andrew Johnson National Monument, Tenn.
Andrew Johnson National Monument, Tenn.	Andrew Johnson National Monument: For acquisition of the Andrew Johnson homestead and site located in Greeneville, Tennessee, including certain furniture, furnishings, and equipment located therein, and expenses incidental to such acquisition, in accordance with the provisions of the Act of August 29, 1935 (49 Stat. 958), \$44,500.
16 U. S. C., Supp. V, §§ 450o-450q.	National military parks, battlefields, etc.
National military parks, battlefields, etc.	National military parks, battlefields, monuments, and cemeteries: For administration, protection, maintenance, and improvement, including not exceeding \$8,500 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, and not exceeding \$308 for right-of-way easements across privately owned railroad lands necessary for supplying water to the Statue of Liberty National Monument, \$409,770, and the unexpended balance of the appropriation of \$40,000 contained in the Third Deficiency Appropriation Act, fiscal year 1939, under this head for the construction of an administration-museum building in the Kings Mountain National Military Park, South Carolina, including the purchase of furniture and museum cases, the preparation of exhibits for in-
Statue of Liberty National Monument, water supply.	Statue of Liberty National Monument, water supply.
Kings Mountain National Military Park, S. C. 63 Stat. 1318.	Kings Mountain National Military Park, S. C. 63 Stat. 1318.

stallation therein, and the construction of other necessary administration buildings or residences, is continued available for the same purposes until June 30, 1941.

Boulder Dam National Recreational Area, Arizona and Nevada: For administration, protection, improvement, and maintenance of the recreational activities of the Boulder Dam National Recreational Area and any lands that may be added thereto by Presidential or other authority, including not exceeding \$800 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, \$103,980.

Boulder Dam National Recreational Area, Ariz.-Nev.

Mount Rushmore National Memorial Commission: Any unexpended balances of funds available for obligation for the Mount Rushmore National Memorial on June 30, 1940, are hereby continued available during the fiscal year ending June 30, 1941, for the same purposes for which such funds were originally appropriated and under the same conditions and limitations with respect thereto.

Mount Rushmore National Memorial Commission.
Post, p. 1042.

Emergency reconstruction and fighting forest fires in national parks: For reconstruction, replacement, and repair of roads, trails, bridges, buildings, and other physical improvements and of equipment in national parks or national monuments that are damaged or destroyed by flood, fire, storm, or other unavoidable causes during the fiscal year 1941, and for fighting or emergency prevention of forest fires in national parks or other areas administered by the National Park Service, or fires that endanger such areas, \$40,000, and in addition thereto the unexpended balance for this purpose for the fiscal year 1940 is continued available during the fiscal year 1941, together with not to exceed \$100,000 to be transferred upon the approval of the Secretary of the Interior from the various appropriations for national parks and national monuments herein contained, any such diversions of appropriations to be reported to Congress in the annual Budget: *Provided*, That the allotment of these funds to the various national parks or areas administered by the National Park Service as may be required for fire-fighting purposes shall be made by the Secretary of the Interior, and then only after the obligation for the expenditure has been incurred.

Emergency reconstruction and fighting forest fires.

Reappropriation.
53 Stat. 729.

Transfer of funds.

Report to Congress.
Proviso.
Restriction on allotment.

Forest protection and fire prevention: For the control and the prevention of spread of forest insects and tree diseases and for fire-prevention measures, including equipment, and personal services in the District of Columbia (not to exceed \$20,000) and elsewhere, \$123,500, to be immediately available.

Forest protection and fire prevention.

The total of the foregoing amounts shall be available in one fund for the National Park Service: *Provided*, That 10 per centum of the foregoing amounts shall be available interchangeably and shall be reported to Congress in the annual Budget: *Provided further*, That no part of the foregoing appropriations for the National Park Service shall be available for the payment of the salaries or expenses of any employee of the National Park Service assigned to duties in connection with the Jefferson National Expansion Memorial in Saint Louis, Missouri.

Accounting.
Provisos.
Interchange of amounts.
Report to Congress.
Jefferson National Expansion Memorial, Saint Louis, Mo.

Appropriations herein made for the national parks, national monuments, and other reservations under the jurisdiction of the National Park Service, shall be available for the giving of educational lectures therein; for the services of field employees in cooperation with such nonprofit scientific and historical societies engaged in educational work in the various parks and monuments as the Secretary, in his discretion, may designate; and for travel expenses of employees attending Government camps for training in forest-fire prevention and suppression.

Educational lectures, etc.

Telephones in Gov-
ernment-owned resi-
dences, etc.

Appropriations herein made for the National Park Service shall be available for the installation and operation of telephones in Government-owned residences, apartments, or quarters occupied by employees of the National Park Service.

Roads and trails.

Roads and Trails, National Park Service: For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks, monuments, and other areas administered by the National Park Service, including the Boulder Dam National Recreational Area, and other areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (16 U. S. C. 8a and 8b), as amended, including the roads from Glacier Park Station through the Blackfeet Indian Reservation to various points in the boundary line of the Glacier National Park and the international boundary, \$2,125,000, to be immediately available and to remain available until expended: *Provided*, That not to exceed \$60,000 of the amount herein appropriated may be expended for personal services in the District of Columbia during the fiscal year 1941: *Provided further*, That in addition to the amount herein appropriated the Secretary of the Interior may also approve projects, incur obligations, and enter into contracts for additional work not exceeding a total of \$3,000,000 and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof and appropriations hereafter made for the construction, reconstruction, and improvement of roads and trails shall be considered available for the purpose of discharging the obligation so created: *Provided further*, That no part of this appropriation or contract authorization shall be available for road construction in the Kings Canyon National Park, California, except on the floor of the canyon of the south fork of the Kings River.

46 Stat. 1053.

Provisos.
Personal services.

Additional for ap-
proval of projects, etc.;
total.

Kings Canyon Na-
tional Park, Calif.

Blue Ridge and
Natchez Trace Park-
ways.

16 U. S. C., Supp.
V, § 460b.
Vehicles.

Provisos.
Allotments for des-
ignated States.

Statement of ex-
penditures to Con-
gress.

Additional for ap-
proval of projects, etc.;
total.

Natchez Trace Park-
way.

Blue Ridge and Natchez Trace Parkways: For continuing the construction and maintenance, under the provisions of section 8 of the Act of June 8, 1938 (52 Stat. 635), of the Blue Ridge and Natchez Trace Parkways, including not exceeding \$2,400 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, to be immediately available and remain available until expended, \$2,000,000, of which amount not to exceed \$50,000 shall be available for personal services in the District of Columbia: *Provided*, That \$700,000 and any other sums received from other sources for said Natchez Trace Parkway shall be allotted and expended ratably between the States of Mississippi, Alabama, and Tennessee according to mileage of said parkway in each respective State and said allotments shall be used for no other purpose: *Provided further*, That the Secretary of the Interior shall make a detailed statement of expenditures from this appropriation to the Senate and House Committees on Appropriations at the beginning of the next regular session of Congress: *Provided further*, That in addition to the amount herein appropriated the Secretary of the Interior may also approve projects, incur obligations, and enter into contracts for additional work not exceeding a total of \$6,000,000, of which \$2,100,000 shall be for the Natchez Trace Parkway and shall be allotted and expended ratably between the States of Mississippi, Alabama, and Tennessee according to mileage of said Parkway in each respective State, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof and appropriations hereafter made for the construction and maintenance of the Blue Ridge and Natchez Trace Parkways shall be considered available for the purpose of discharging the obligation so created.

Physical improvements: For the construction, repair, or rehabilitation of buildings and utilities located in areas administered by the National Park Service, \$170,750: *Provided*, That not to exceed \$9,000 shall be available for a comfort station, including water and sewer connections, in Acadia National Park, Maine; not to exceed \$5,500 for a comfort station and waiting room in Mount Rainier National Park, Washington; not to exceed \$4,100 for a comfort station in Yellowstone National Park, Wyoming, and not to exceed \$3,600 for a comfort station in Lehman Caves National Monument, Nevada.

Historic sites and buildings: For carrying out the provisions of the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666), including personal services in the District of Columbia, \$20,000.

Investigation and purchase of water rights: For the investigation and establishment of water rights, including the purchase thereof or of lands or interests in lands or rights-of-way for use and protection of water rights necessary or beneficial in connection with the administration and public use of the national parks and monuments, and including not exceeding \$500 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, \$39,840.

Salaries and expenses, National Capital parks: For administration, protection, maintenance, and improvement of the Mount Vernon Memorial Highway, Arlington Memorial Bridge, George Washington Memorial Parkway, monuments and memorials, Federal parks in the District of Columbia, and other Federal lands authorized by the Act of May 29, 1930 (46 Stat. 482), including the pay and allowances in accordance with the provisions of the Act of May 27, 1924, as amended, of the police force for the Mount Vernon Memorial Highway and the George Washington Memorial Parkway, and the operation, maintenance, repair, exchange, and storage of three automobiles, revolvers, ammunition, purchase, cleaning, and repair of uniforms for police, guards, and elevator conductors, and equipment, per diem employees at rates of pay approved by the Director not exceeding current rates for similar services in the District of Columbia, the hire of draft animals with or without drivers at local rates approved by the Director, stenographic reporting service, traveling expenses and carfare, and leather and rubber articles for the protection of public property and employees, \$289,900, of which \$15,000 shall be available for repairs in the Washington Monument.

Development of grounds, Thomas Jefferson Memorial, Washington, District of Columbia: For all necessary expenses in connection with the development and rearrangement of grounds surrounding the Thomas Jefferson Memorial in West Potomac Park, Washington, District of Columbia, including relocation of sea wall, rearrangement of park roads, landscaping and planting; personal services in the District of Columbia; traveling expenses; per diem employees at rates of pay approved by the Secretary of the Interior; and maintenance and operation of one passenger-carrying vehicle; \$375,000, to remain available until expended.

Physical improvements.

Proviso.
Comfort stations in designated national parks, etc.

Historic sites and buildings.

16 U. S. C., Supp. V, §§ 461-467.

Investigation and purchase of water rights.
Post, p. 643.

National Capital parks.
Salaries and expenses.

43 Stat. 174.
Police force, Mt. Vernon Memorial Highway, etc.

Washington Monument, repairs.

Thomas Jefferson Memorial, Washington, D. C.
Development of grounds.

BUREAU OF BIOLOGICAL SURVEY

For the employment of persons and means in the city of Washington and elsewhere, including the purchase of printed bags, tags, and labels, without regard to existing laws, applicable to public printing, furniture, carpets, typewriters, computing and adding

Personal services, etc.

machines, filing devices, and other office equipment and labor-saving devices, stationery, telephone and telegraph service, postage stamps for official use, express, freight, and drayage charges, traveling, and all other expenses necessary in conducting investigations and carrying out the work of the Bureau, including cooperation with Federal, State, county, or other agencies or with farm bureaus, organizations, or individuals, as follows:

SALARIES AND EXPENSES

General administrative expenses.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of Chief of Bureau and other personal services in the District of Columbia, \$116,600.

Food habits of birds and animals.

Food habits of birds and animals: For investigating the food habits and economic value of North American birds and animals in relation to agriculture, horticulture, and forestry, including methods of conserving beneficial and controlling injurious birds and animals, \$68,140.

Fur resources investigations.

Fur resources investigations: For investigations, experiments, demonstrations, and cooperation in connection with the production and utilization of animals the pelts of which are used commercially for fur, including the erection of necessary buildings and other structures, \$91,000.

Biological investigations.

Biological investigations: For biological investigations, including the relations, habits, geographic distribution, and migration of animals and plants, and the preparation of maps of the life zones, and including \$45,738 for investigations of the relations of wild animal life to forests, under section 5 of the Act approved May 22, 1928 (16 U. S. C. 581d), and for investigations of the wildlife resources of the Territory of Alaska, including the erection of necessary buildings and other structures, \$198,300.

45 Stat. 701.

Control of predatory animals and injurious rodents.

Control of predatory animals and injurious rodents: For investigations, demonstrations, and cooperation in destroying animals injurious to agriculture, horticulture, forestry, animal husbandry, and wild game, as authorized by the Act of March 2, 1931 (7 U. S. C. 426-426b); and in protecting stock and other domestic animals through the suppression of rabies and other diseases in predatory wild animals; and for construction, repairs, additions, and installations in and about the grounds and buildings of the game-management supply depot and laboratory at Pocatello, Idaho, including purchase, transportation, and handling of supplies and materials for distribution from said depot to other projects, in accordance with the provisions of the Act approved June 24, 1936 (16 U. S. C. 667), \$850,000.

46 Stat. 1468.

Pocatello, Idaho, depot and laboratory.

49 Stat. 1913.
16 U. S. C., Supp. V, § 667.

Protection of migratory birds.
40 Stat. 755; 49 Stat. 1555.
16 U. S. C., Supp. V, §§ 703-709a.

Protection of migratory birds: For all necessary expenses for enforcing the provisions of the Migratory Bird Treaty Act of July 3, 1918, as amended by the Act of June 20, 1936 (16 U. S. C. 703-711), to carry into effect the treaty with Great Britain for the protection of birds migrating between the United States and Canada (39 Stat., pt. 2, 1702), and the convention between the United States and the United Mexican States for the protection of migratory birds and game mammals; for cooperation with local authorities in the protection of migratory birds, and for necessary investigations connected therewith; for the enforcement of sections 241, 242, 243, and 244 of the Act approved March 4, 1909, as amended (18 U. S. C. 391-394), and for the enforcement of section 1 of the Act approved May 25, 1900 (16 U. S. C. 701), including all necessary investigations in connection therewith, \$365,300, of which not to exceed \$10,000 may be expended in the discretion of the Secretary of the Interior for the

50 Stat. 1311.

35 Stat. 1137; 49 Stat. 380.
18 U. S. C., Supp. V, §§ 391-394.
31 Stat. 187.
Securing information of law violations.

purpose of securing information concerning violations of the laws for the enforcement of which this appropriation is made available.

Enforcement of Alaska game law: For the enforcement of the provisions of the Alaska game law, approved January 13, 1925, as amended by the Act of February 14, 1931, and by the Act of June 25, 1938 (48 U. S. C. 192–211), \$155,000.

Maintenance of mammal and bird reservations: For the maintenance of the Montana National Bison Range, the Upper Mississippi River Wildlife Refuge, the Bear River Migratory Bird Refuge, the Wichita Mountains Wildlife Refuge, and other reservations, and for the maintenance of game introduced into suitable localities on public lands, under supervision of the Biological Survey, including construction of fencing, wardens' quarters, shelters for animals, landings, roads, trails, bridges, ditches, telephone lines, rockwork, bulkheads, and other improvements necessary for the economical administration and protection of the reservations; for the enforcement of section 84 of the Act approved March 4, 1909 (18 U. S. C. 145), entitled "An Act to codify, revise, and amend the penal laws of the United States", and Acts amendatory thereto, and section 10 of the Migratory Bird Conservation Act of February 18, 1929 (16 U. S. C. 715i); for the purchase, capture, and transportation of game for national reservations; and for the maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, \$647,000.

Migratory bird conservation refuges: For carrying into effect the provisions of the Act entitled "An Act to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain (39 Stat., pt. 2, 1702) by lessening the dangers threatening migratory game birds from drainage and other causes by the acquisition of areas of land and water to furnish in perpetuity reservation for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes", approved February 18, 1929, as amended by title III of the Act approved June 15, 1935 (16 U. S. C. 715–715r), \$79,753, authorized by section 12 of the Act, which sum is a part of the remaining \$331,134 of the \$1,000,000 authorized to be appropriated for the fiscal year ending June 30, 1933.

Restoration of Lower Klamath Migratory Waterfowl Refuge: For the restoration and development of Klamath Lake Reservation (commonly known as the Lower Klamath Migratory Waterfowl Refuge) as a feeding, nesting, and breeding ground for migratory birds, including the construction of water-control works thereon and for necessary expenses incident thereto, \$70,000.

In all, salaries and expenses, \$2,641,093.

MIGRATORY BIRD CONSERVATION FUND

For carrying into effect the provisions of section 4 of the Act entitled "An Act to supplement and support the Migratory Bird Conservation Act by providing funds for the acquisition of areas for use as migratory-bird sanctuaries, refuges, and breeding grounds, for developing and administering such areas, for the protection of certain migratory birds, for the enforcement of the Migratory Bird Treaty Act and regulations thereunder, and for other purposes", approved March 16, 1934, as amended by an Act entitled "An Act to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, and certain other Acts relating to game and other wildlife, administered by the Department of Agriculture, and for other purposes", approved June 15, 1935 (16 U. S. C. 718–718h), an amount equal to the sum received during the fiscal year 1941 from the proceeds from the sale of stamps, to be warranted monthly; and in addition thereto an amount equal to

Enforcement of Alaska game law.
43 Stat. 739; 46 Stat. 1111; 52 Stat. 1169.
48 U. S. C., Supp. V, §§ 192–207.

Maintenance of mammal and bird reservations.

Taking of eggs, etc., on bird-breeding grounds.
35 Stat. 1104.

Prohibited acts on acquired areas.
45 Stat. 1224.

Wichita Mountains Wildlife Refuge, cattle.

Migratory bird conservation refuges.

45 Stat. 1222; 49 Stat. 381.
16 U. S. C., Supp. V, §§ 715a–715p.

Restoration of Lower Klamath Migratory Waterfowl Refuge.

Migratory bird conservation fund.

48 Stat. 451; 49 Stat. 378.
16 U. S. C., Supp. V, §§ 718a–718h.

Receipts from stamp sales.

the unobligated balance on June 30, 1940, of the total of the proceeds received from the sale of stamps prior to July 1, 1940.

FEDERAL AID IN WILDLIFE RESTORATION

Federal aid to States.
50 Stat. 917.
16 U. S. C., Supp. V, §§ 669-669j.
Proviso.
Limitation on expenditures.

For carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in wildlife restoration projects, and for other purposes", approved September 2, 1937 (16 U. S. C. 669-669j), \$2,500,000: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury under the provisions of said Act.

Personal services.

Vehicles for field.

Provisos.
Maintenance of vehicles, purchase of books, etc.

Expenses of attendance at meetings.

Interchange of amounts.

Exchange of vehicles, etc.

Cooperative work by Bureau.

41 Stat. 270.

Total, Bureau of Biological Survey, \$5,141,093 and in addition thereto funds made available under the Migratory Bird Conservation Fund of which amounts not to exceed \$709,940 may be expended for personal services in the District of Columbia, and not to exceed \$76,600 shall be available for the purchase of motor-propelled passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia: *Provided*, That funds available for the work of the Bureau of Biological Survey shall be available for the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles; the purchase of books, periodicals, and newspapers (not to exceed \$100); for the expenditure from appropriations available for the purchase of lands of not to exceed \$1 for each option to purchase any particular tract or tracts of land; for necessary expenses (not exceeding \$5,000) of attendance at meetings of societies or associations concerned with the work of the Bureau of Biological Survey; for expenses of packing and transportation of household effects (not exceeding five thousand pounds in any one instance) of employees when transferred, for the good of the service, from one official station to another for permanent duty, when specifically authorized in the order directing the transfer; and for the employment, by contract or otherwise, of men with equipment, boats, work animals, animal-drawn and motor-propelled vehicles: *Provided further*, That not to exceed 5 per centum of the foregoing amounts for the miscellaneous expenses of the work of the Bureau of Biological Survey herein provided for shall be available interchangeably for expenditure on the objects included within the general expenses of said Bureau, but no more than 5 per centum shall be added to any one item or appropriation: *Provided further*, That the Bureau of Biological Survey may exchange motor-propelled and horse-drawn vehicles, tractors, road equipment, boats, typewriters, computing or duplicating machines, or parts, accessories, tires, or equipment thereof, in part payment for vehicles, tractors, road equipment, boats, typewriters, computing or duplicating machines, or parts, accessories, tires, or equipment thereof: *Provided further*, That cooperative work conducted by the Bureau of Biological Survey shall continue to be subject to the provisions of the Act of July 24, 1919 (5 U. S. C. 563-564).

BUREAU OF FISHERIES

Salaries.

Propagation of food fishes.

Trucks.

Salaries: For the Commissioner and other personal services in the District of Columbia, \$172,300, of which amount not to exceed \$5,320 may be expended for personal service in connection with the maintenance and operation of aquarium.

Propagation of food fishes: For maintenance, repair, alteration, improvement, equipment, acquisition, and operation of fish-cultural stations, general propagation of food fishes and their distribution, including movement, maintenance, and repairs of cars and not to exceed \$15,000 for purchase of trucks for fish distribution; maintenance, repair, and operation of motor-propelled passenger-carrying

vehicles for official use in the field; purchase of equipment (including rubber boots, oilskins, and first-aid outfits), and apparatus; contingent expenses; pay of permanent employees not to exceed \$468,890; temporary labor; not to exceed \$20,000 for propagation and distribution of fresh-water mussels and the necessary expenses connected therewith; purchase, collection, and transportation of specimens and other expenses incidental to the maintenance and operation of aquarium, \$977,940, including not to exceed \$120,000 to commence the establishment of a station in Arkansas, on a site heretofore donated to the United States for such purpose, the establishment of a station in Mississippi on a site heretofore donated to the United States for such purpose, for the purchase of a fish-cultural station in Oklahoma, and for the further development of the stations at Lamar, Pennsylvania, and on Williams Creek, on the Fort Apache Indian Reservation in Arizona, including the construction of buildings, ponds, water supply, improvements to grounds, purchase of equipment, and all other necessary expenses.

Diversion Dam Sandy River, Oregon: For the construction, improvement, maintenance, and operation of a diversion dam and for bank protection and related works on the Sandy River, Oregon, for the conservation of fish in the Columbia River Basin, as authorized by the Act of May 11, 1938, \$30,000, including personal services not to exceed \$3,000.

The unobligated balance of the appropriation remaining under the limitation of \$155,000 to establish or commence the establishment of stations authorized by the Act approved May 21, 1930 (46 Stat. 371), contained in the Department of Commerce Appropriation Act, 1940, under the head "Propagation of food fishes", is continued available during the fiscal year 1941, and the unobligated balance of the appropriation remaining under the limitation of \$155,000 to establish or commence the establishment of stations authorized by the Act approved May 21, 1930 (46 Stat. 371), contained in the Department of Commerce Appropriation Act, 1939, under the head "Propagation of food fishes", which was continued available during the fiscal year 1940, is continued available during the fiscal year 1941.

Maintenance of vessels: For maintenance and operation of vessels and launches, including purchase, and repair of boats, apparatus, machinery, and other facilities required for use with the same, hire of vessels, construction of small boats, temporary employees, and all other necessary expenses in connection therewith, including the purchase of plans and specifications for vessels or for contract personal services for the preparation thereof, and money accruing from commutation of rations and provisions on board vessels may be paid on proper vouchers to the persons having charge of the mess of such vessels, \$235,920, of which amount not to exceed \$37,350 may be expended for pay of officers and employees of vessels of the Atlantic coast, and not to exceed \$78,420 for pay of officers and crews of vessels for the Alaska Fisheries Service.

Construction of fish screens: For construction, operation, and maintenance, in cooperation with the Bureau of Reclamation and the Bureau of Indian Affairs, or either, of fish screens and ladders on Federal irrigation projects, and for the conduct of investigations and surveys, the preparation of designs, and supervision of construction of such screens and ladders; and for determining the requirements for fishways and other fish protective devices at dams constructed under licenses issued by the Federal Power Commission in accordance with the provisions of the Federal Water Power Act (16 U. S. C. 791), \$11,500, of which not to exceed \$6,400 may be expended for the pay of permanent employees.

Pay of permanent employees.
Post, p. 643.

Aquarium.

Establishment, etc., of designated stations.

Diversion dam, Sandy River, Oreg.

52 Stat. 345.
16 U. S. C., Supp. V, §§ 755-757.
Reappropriations.

53 Stat. 917.

52 Stat. 281.

Maintenance of vessels.

Vessels of Atlantic coast, and Alaska Fisheries Service.
Pay of officers, etc.

Construction of fish screens.

41 Stat. 1063.
16 U. S. C. §§ 791-823; Supp. V, §§ 791-825r.

Commutation of rations.

Commutation of rations (not to exceed \$1 per day) may be paid to officers and crews of vessels of the Bureau of Fisheries during the fiscal year 1941 under regulations prescribed by the Secretary of the Interior.

Inquiry respecting food fishes.
Post, p. 643.

Inquiry respecting food fishes: For inquiry into the cause of the decrease of food fishes in the waters of the United States, and for investigation and experiments in respect to the aquatic animals, plants, and waters, in the interests of fish culture and the fishery industries, maintenance, repair, improvement, equipment, and operation of biological stations, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use in the field, preparation of reports, and not to exceed \$500 for rent of suitable quarters in the District of Columbia for laboratory and storage purposes, \$371,835, of which sum not to exceed \$280,400 may be expended for personal services.

Fishery industries.
Statistical studies.

Fishery industries: For collection and compilation of statistics of the fisheries and the study of their methods and relations, and the methods of preservation and utilization of fishery products, and to enable the Secretary of the Interior to execute the functions imposed upon him by the Act entitled "An Act authorizing associations of producers of aquatic products", approved June 25, 1934 (48 Stat. 1213), including pay of permanent employees not to exceed \$79,030, compensation of temporary employees, preparation of reports, contract stenographic reporting services, and all other necessary expenses in connection therewith, including the purchase (not to exceed \$1,100), exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use in the field, \$150,640.

15 U. S. C. §§ 521, 522.

Fishery market news service.

Fishery market news service: For collecting, publishing, and distributing, by telegraph, mail, or otherwise, information on the fishery industry, information on market supply and demand, commercial movement, location, disposition, and market prices of fishery products, with or without cooperation with any department or agency of the United States, or any State or Territory, or subdivision thereof, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use in the field, purchase of equipment and supplies, preparation of reports, and all other necessary expenses connected therewith, \$78,900, of which not to exceed \$13,020 may be expended for personal services in the District of Columbia.

Alaska, fisheries service.

Alaska, fisheries service: For protecting the seal and sea otter fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska; construction, improvement, repair, and alteration of buildings and roads, transportation of supplies to and from the islands, subsistence of agents and other employees while on said islands, hire and maintenance of vessels, and for all expenses necessary to carry out the provisions of the Act entitled "An Act to protect the seal fisheries of Alaska, and for other purposes", approved April 21, 1910 (16 U. S. C. 631-658), and for the protection of the fisheries of Alaska, including pay of permanent employees not to exceed \$74,440, contract stenographic reporting service, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith, \$280,540, of which \$100,000 shall be available immediately.

36 Stat. 326.
16 U. S. C., Supp.
V, §§ 631-658.

Enforcement of Black Bass and Whaling Treaty Acts.

Enforcement of Black Bass and Whaling Treaty Acts: To enable the Secretary of the Interior to administer the provisions of the Act entitled "An Act to amend the Act entitled 'An Act to regulate interstate transportation of black bass, and for other purposes', approved May 20, 1926", approved July 2, 1930 (16 U. S. C. 851-856), and to execute the functions imposed upon him by The Whaling Treaty Act, approved May 1, 1936 (16 U. S. C. 901-915), \$17,000, of which amount not to exceed \$10,600 may be expended for personal services in the District of Columbia.

46 Stat. 845.
16 U. S. C. §§ 851-855.

49 Stat. 1246.
16 U. S. C., Supp.
V, §§ 901-915.

Mississippi Wild Life and Fish Refuge: For construction of buildings, boats, and ponds, for purchase of equipment, including boats, for maintenance, operation, repair, and improvements, including expenditures for personal services at the seat of government and elsewhere as may be necessary, as authorized in the Act approved June 7, 1924 (16 U. S. C. 721-731), \$17,000.

Mississippi Wild Life and Fish Refuge. Maintenance, etc.

43 Stat. 650.

The appropriations herein for the Bureau of Fisheries shall be available, in an amount not to exceed \$750, for expenses of attendance at meetings concerned with the work of said Bureau when incurred on the written authority of the Secretary of the Interior.

Attendance at meetings.

Appropriations herein made for propagation of food fishes, inquiry respecting food fishes, fishery industries, fishery market news service, and Alaska fisheries service, shall be available, under such regulations as may be prescribed by the Secretary of the Interior, for paying the cost of packing, crating, drayage, and transporting the household effects of employees of the Bureau of Fisheries when transferred from one official station to another for permanent duty.

Transporting, etc., household effects of employees. Funds available.

GOVERNMENT IN THE TERRITORIES

TERRITORY OF ALASKA

Salaries of the Governor and the secretary, \$15,600.

Salaries of Governor and secretary. Incidental and contingent expenses.

For incidental and contingent expenses of the offices of the Governor and the secretary of the Territory, clerk hire, not to exceed \$7,520; janitor service for the Governor's office and the executive mansion, not to exceed \$3,180; traveling expenses of the Governor while absent from the Capital on official business and of the secretary of the Territory while traveling on official business under direction of the Governor; repair and preservation of Governor's house and furniture; for care of grounds and purchase of necessary equipment; stationery, lights, water, and fuel; in all, \$18,120, to be expended under the direction of the Governor.

Legislative expenses: For salaries of members, \$21,600; mileage of members, \$9,600; salaries of employees, \$5,200; printing, indexing, comparing proofs, and binding laws, printing, indexing, and binding journals, stationery, supplies, printing of bills, reports, and so forth, \$13,600, in all, \$50,000, to be expended under the direction of the Governor of Alaska.

Legislative expenses.

For the establishment and maintenance of public schools, Territory of Alaska, \$50,000: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Public schools.

Proviso.
Limitation.
48 Stat. 1227.
31 U. S. C. § 725c.

Insane of Alaska: For care and custody of persons legally adjudged insane in Alaska, including compensation and travel expenses of medical supervisor, transportation, burial, and other expenses, \$205,840: *Provided*, That authority is granted to the Secretary of the Interior to pay from this appropriation to the Sanitarium Company, of Portland, Oregon, or to other contracting institution or institutions, not to exceed \$648 per capita per annum for the care and maintenance of Alaskan insane patients during the fiscal year 1941: *Provided further*, That so much of this sum as may be required shall be available for all necessary expenses in ascertaining the residence of inmates and in returning those who are not legal residents of Alaska to their legal residence or to their friends, and the Secretary of the Interior shall, as soon as practicable, return to their places of residence or to their friends all inmates not residents of Alaska at the time they became insane, and the commitment papers for any person hereafter adjudged insane shall include a statement by the committing authority as to the legal residence of such person.

Insane of Alaska.

Provisos.
Payments to Sanitarium Company, Portland, Oreg.

Return, etc., of inmates not residents of Alaska.

Repair and main-
tenance of roads, etc.

47 Stat. 446.

Wharf at Juneau.

Construction of
roads, bridges, etc.

Proviso.
Limitation.

48 Stat. 1227.
31 U. S. C. § 725c.

Alaska Railroad.
Payment of ex-
penses from receipts.

Operation, etc., of
boats.

Damage claims.

52 Stat. 200.
5 U. S. C., Supp. V,
§ 793.

Provisos.
Personal services.
Limitation on sal-
aries.

Printing and bind-
ing.

For the repair and maintenance of roads, tramways, ferries, bridges, and trails, Territory of Alaska, to be expended under the provisions of the Act approved June 30, 1932 (48 U. S. C. 321a-321c), \$570,000, including not to exceed \$1,500 for repair and maintenance of Government wharf at Juneau, Alaska, to be immediately available.

For the construction, repair, and maintenance of roads, tramways, bridges, trails, and aviation fields, Territory of Alaska, \$150,000, to be available until expended: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

The Alaska Railroad: All amounts received by the Alaska Railroad during the fiscal year 1941 shall be available, and continue available until expended, for every expenditure requisite for and incident to the authorized work of the Alaska Railroad, including maintenance, operation, and improvements of railroads in Alaska; maintenance and operation of river steamers and other boats on the Yukon River and its tributaries in Alaska; operation and maintenance of ocean-going or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the purpose of providing additional facilities for the transportation of freight, passengers, or mail, when deemed necessary, for the benefit and development of industries and travel affecting territory tributary to the Alaska Railroad; stores for resale; payment of claims for losses and damages arising from operations, including claims of employees of the railroad for loss and damage resulting from wreck or accident on the railroad, not due to negligence of the claimant, limited to clothing and other necessary personal effects used in connection with his duties and not exceeding \$100 in value; payment of amounts due connecting lines; payment of compensation and expenses as authorized by section 42 of the Injury Compensation Act approved September 7, 1916 (5 U. S. C. 793), to be reimbursed as therein provided: *Provided*, That not to exceed \$6,000 of this fund shall be available for personal services in the District of Columbia during the fiscal year 1941, and no one other than the general manager of said railroad shall be paid an annual salary out of this fund of more than \$7,500: *Provided further*, That not to exceed \$10,000 of such fund shall be available for printing and binding.

TERRITORY OF HAWAII

Salaries of Governor
and secretary.
Contingent ex-
penses.

Salaries of the Governor and of the secretary, \$15,800.

For contingent expenses, to be expended by the Governor for stationery, postage, and incidentals, and for traveling expenses of the Governor while absent from the capital on official business, \$2,000; private secretary to the Governor, \$3,100; temporary clerk hire, \$750; in all, \$5,850.

Legislative ex-
penses.
46 Stat. 823.
48 U. S. C. § 500.

Legislative expenses, Territory of Hawaii: For compensation and mileage of members of the Legislature of the Territory of Hawaii as provided by the Act of June 27, 1930, \$47,000.

GOVERNMENT OF THE VIRGIN ISLANDS

Salaries of Governor
and employees.
Post, p. 1043.
39 Stat. 1132.
49 Stat. 1813.
48 U. S. C., Supp.
V, § 1405v.
Miscellaneous ex-
penses.

For salaries of the Governor and employees incident to the execution of the Acts of March 3, 1917 (48 U. S. C. 1391), and June 22, 1936 (48 U. S. C. 1405v), traveling expenses of officers and employees, necessary janitor service, care of Federal grounds, repair and preservation of Federal buildings and furniture, purchase of equipment, stationery, lights, water, and other necessary miscellane-

ous expenses, including not to exceed \$5,000 for purchase, including exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, and not to exceed \$4,000 for personal services, household equipment, and furnishings, fuel, ice, and electricity necessary in the operation of Government House at Saint Thomas and Government House at Saint Croix, \$134,000.

For salaries and expenses of the agricultural experiment station and the vocational school in the Virgin Islands, including technical personnel, clerks, and other persons; scientific investigations of plants and plant industries, and diseases of animals; demonstrations in practical farming; official traveling expenses; fixtures, apparatus, and supplies; clearing and fencing of land; and other necessary expenses, including not to exceed \$2,000 for purchase, including exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, \$41,150.

For defraying the deficits in the treasuries of the municipal governments because of the excess of current expenses over current revenues for the fiscal year 1941, municipality of Saint Thomas and Saint John, \$15,000, and municipality of Saint Croix, \$75,000; in all, \$90,000, to be paid to the said treasuries in monthly installments.

Agricultural experiment station and vocational school.
Salaries and expenses.

Deficits of municipal governments.

PUERTO RICAN HURRICANE RELIEF

To enable the Division of Territories and Island Possessions to continue collection and administration of moneys due the United States on account of loans made under the joint resolutions approved December 21, 1928 (45 Stat. 1067), and January 22, 1930 (46 Stat. 57), and to make compositions and adjustments in any loan heretofore made, as authorized by Public Resolutions Numbered 59 (49 Stat. 926) and 60 (49 Stat. 928), Seventy-fourth Congress, approved August 27, 1935, not to exceed \$20,000 of any unobligated balances of appropriations made by authority of those joint resolutions, including repayment of principal and payments of interest on such loans, is hereby made available for administrative expenses during the fiscal year 1941.

Administrative expenses.

Loan adjustments.

Limitation on use of unobligated balances.

EQUATORIAL AND SOUTH SEA ISLANDS

For administrative expenses of the Division of Territories and Island Possessions, in carrying out the provisions of Executive Orders Numbered 7368 and 7828, approved May 13, 1936, and March 3, 1938, respectively, relating to certain islands of the United States situate in the Pacific Ocean, including personal services outside the District of Columbia (such employment to be by contract, if deemed necessary, without regard to the provisions of section 3709 of the Revised Statutes), rent, traveling expenses, purchase of necessary books, documents, newspapers and periodicals, stationery, hire of automobiles, purchase of equipment, supplies and provisions, and all other necessary expenses, \$35,400.

Administrative expenses.

41 U. S. C. § 5.

SAINT ELIZABETHS HOSPITAL

For support, clothing, and treatment in Saint Elizabeths Hospital for the Insane of insane persons from the Army, Navy, Marine Corps, and Coast Guard, insane inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military and naval

Maintenance, etc.

Insane U. S. citizens in Canada.

Vehicles.

Repairs, etc., to buildings and grounds.

Removal of patients to their friends.

Prorisos.
Return of inmates no longer Federal charges.

Mail facilities.

Butter substitutes, restriction.

Payment for care of patients from D. C., etc.

Accounting.

services of the United States, insane civilians in the quartermaster service of the Army, insane persons transferred from the Canal Zone who have been admitted to the hospital and who are indigent, American citizens legally adjudged insane in the Dominion of Canada whose legal residence in one of the States, Territories, or the District of Columbia it has been impossible to establish, insane beneficiaries of the United States Employees' Compensation Commission, insane beneficiaries of the United States Veterans' Administration, and insane Indian beneficiaries of the Bureau of Indian Affairs, including not exceeding \$27,000 for the purchase, exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for the use of the superintendent, purchasing agent, and general hospital business, and including not to exceed \$185,000 for repairs and improvements to buildings and grounds, and not to exceed \$35,000 for the purchase of uniforms for employees, \$1,275,285, including cooperation with organizations or individuals in scientific research into the nature, causes, prevention, and treatment of mental illness, and including maintenance and operation of necessary facilities for feeding employees and others (at not less than cost), and the proceeds therefrom shall reimburse the appropriation for the institution; and not exceeding \$1,500 of this sum may be expended in the removal of patients to their friends; not exceeding \$1,000 for expenses of attendance at meetings or conventions concerned with the work of psychiatry, medicine, and other scientific subjects of interest to Saint Elizabeths Hospital, when specifically authorized by the Secretary of the Interior; not exceeding \$1,500 in the purchase of such books, periodicals, and newspapers as may be required for the purposes of the hospital and for the medical library, and not exceeding \$1,500 for the actual and necessary expenses incurred in the apprehension and return to the hospital of escaped patients: *Provided*, That so much of this sum as may be required shall be available for all necessary expenses in ascertaining the residence of inmates who are not or who cease to be properly chargeable to Federal maintenance in the institution and in returning them to such places of residence: *Provided further*, That not exceeding \$200 additional may be paid to two employees to provide mail facilities for patients in the hospital: *Provided further*, That no part of this appropriation shall be expended for the purchase of oleomargarine or butter substitutes except for cooking purposes: *Provided further*, That during the fiscal year 1941 the District of Columbia, or any branch of the Government requiring Saint Elizabeths Hospital to care for patients for which they are responsible, shall pay by check to the Superintendent, upon his written request, either in advance or at the end of each month, all or part of the estimated or actual cost of such maintenance, as the case may be, and bills rendered by the Superintendent of Saint Elizabeths Hospital in accordance herewith shall not be subject to audit or certification in advance of payment; proper adjustments on the basis of the actual cost of the care of patients paid for in advance shall be made monthly or quarterly, as may be agreed upon between the Superintendent of Saint Elizabeths Hospital and the District of Columbia government, department, or establishments concerned. All sums paid to the Superintendent of Saint Elizabeths Hospital for the care of patients that he is authorized by law to receive shall be deposited to the credit on the books of the Treasury Department of the appropriation made for the care and maintenance of the patients at Saint Elizabeths Hospital for the year in which the support, clothing, and treatment is provided, and be subject to requisition upon the approval of the Secretary of the Interior.

COLUMBIA INSTITUTION FOR THE DEAF

For support of the institution, including salaries and incidental expenses, books and illustrative apparatus, and general repairs and improvements, \$143,000.

Salaries, maintenance, etc.

HOWARD UNIVERSITY

Salaries: For payment in full or in part of the salaries of the officers, professors, teachers, and other regular employees of the university, the balance to be paid from privately contributed funds, \$567,160;

Salaries.

General expenses: For equipment, supplies, apparatus, furniture, cases and shelving, stationery, ice, repairs to buildings and grounds, and for other necessary expenses, \$180,000;

General expenses.

Total, Howard University, \$747,160.

FREEDMEN'S HOSPITAL

For officers and employees and compensation for all other professional and other services that may be required and expressly approved by the Secretary of the Interior, \$363,620; for subsistence, fuel and light, not exceeding \$1,000 for expenses of attendance upon meetings of a technical nature, pertaining to hospital administration and medical advancement, when authorized by the Secretary of the Interior, clothing, to include white duck suits and white canvas shoes for the use of internes, and cotton or duck uniforms or aprons for cooks, maids, and attendants, and rubber surgical gloves, bedding, forage, medicine, medical and surgical supplies, surgical instruments, electric lights, repairs, replacement of X-ray apparatus, furniture; purchase, maintenance, and operation of passenger-carrying vehicles, including not exceeding \$1,500 for the purchase of books, periodicals, and newspapers; and not to exceed \$2,000 for the special instruction of pupil nurses, and other absolutely necessary expenses, \$208,305; in all, for Freedmen's Hospital, \$571,925, including reimbursement to the appropriation for Howard University of actual cost of heat and light furnished, of which amount of \$571,925 one-half shall be chargeable to the District of Columbia and paid in like manner as other appropriations of the District of Columbia are paid.

Personal services.

Contingent expenses.

Division of expenses.

SEC. 2. Appropriations herein made for field work shall be available for the hire, with or without personal services, of work animals and animal-drawn and motor-propelled vehicles and equipment.

Hire of work animals, etc.

SEC. 3. Appropriations herein made shall be available for the purchase, maintenance, operation, and repair of vehicles generally known as quarter-ton or half-ton pick-up trucks and as station wagons without such vehicles being considered as passenger-carrying vehicles and without the cost of purchase, maintenance, operation, and repair being included in the limitation in the various appropriation items for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles.

Pick-up trucks. Appropriations available for purchase, etc.

SEC. 4. The total amount used on an annual basis for administrative within-grade promotions for officers and employees under any appropriation or other fund made available in this Act shall not exceed the amount determined by the Bureau of the Budget to be available for such purpose on the basis of the Budget estimate for such appropriation or fund exclusive of new money in any such Budget estimate for such administrative promotions.

Administrative within-grade promotions.

SEC. 5. No part of any appropriation contained in this Act or authorized hereby to be expended shall be used to pay the compen-

Citizenship requirement.

sation of any officer or employee of the Government of the United States, or of any agency the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States unless such person is a citizen of the United States, or a person in the service of the United States on the date of the approval of this Act who being eligible for citizenship had theretofore filed a declaration of intention to become a citizen or who owes allegiance to the United States.

Short title.

SEC. 6. This Act may be cited as the "Interior Department Appropriation Act, 1941".

Approved, June 18, 1940.

[CHAPTER 396]

AN ACT

Making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1941, and for other purposes.

June 18, 1940
[H. R. 8913]
[Public, No. 641]

Legislative Branch
Appropriation Act,
1941.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch of the Government for the fiscal year ending June 30, 1941, namely:

SENATE

SALARIES AND MILEAGE OF SENATORS

Compensation.
Mileage.
Officers, clerks, etc.

For compensation of Senators, \$960,000.
For mileage of the President of the Senate and of Senators, \$51,000.
For compensation of officers, clerks, messengers, and others:

OFFICE OF THE VICE PRESIDENT

Salaries.

Salaries: Secretary to the Vice President, \$4,620; clerk, \$2,400; assistant clerks—one \$2,280, one \$2,160; in all, \$11,460.

CHAPLAIN

Chaplain.

Chaplain of the Senate, \$1,680.

OFFICE OF THE SECRETARY

Salaries.

Salaries: Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of contingent fund of the Senate, \$8,000; Chief Clerk, who shall perform the duties of reading clerk, \$5,500 and \$1,500 additional so long as the position is held by the present incumbent; financial clerk, \$5,000; assistant financial clerk, \$4,500; Parliamentarian, \$5,000 and \$1,500 additional so long as the position is held by the present incumbent; Journal Clerk, \$4,000; principal clerk, \$3,780; legislative clerk, \$4,000 and \$1,000 additional so long as the position is held by the present incumbent; enrolling clerk, \$4,000; printing clerk, \$3,540; chief bookkeeper, \$3,600; librarian, \$3,600; assistant Journal Clerk, \$3,360; executive clerk, \$3,180; first assistant librarian, \$3,120; keeper of stationery, \$3,320; clerks—two at \$3,180 each, three at \$2,880 each, three at \$2,640 each, clerk in Disbursing Office, \$2,400, six at \$2,400 each, three at \$1,860 each, three at \$1,740 each; special officer, \$2,460; press relations officers—one at \$2,140, one at \$1,900 in lieu of one of the positions authorized by Senate Resolution Numbered 428, agreed

to February 17, 1931, which position is hereby abolished as of July 1, 1940; messenger, \$1,260; laborers—one at \$1,740, one at \$1,620, five at \$1,380 each, one in Secretary's office, \$1,680, one, \$1,560, one, \$1,260; in all, \$144,540.

DOCUMENT ROOM

Salaries: Superintendent, \$3,960 and \$1,040 additional so long as the position is held by the present incumbent; first assistant, \$2,640; second assistant, \$2,040; four assistants, at \$2,040 each; skilled laborer, \$1,380; in all, \$19,220.

Salaries.

COMMITTEE EMPLOYEES

Clerks and messengers to the following committees: Agriculture and Forestry—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Appropriations—clerk, \$7,000 and \$1,000 additional so long as the position is held by the present incumbent; assistant clerk, \$4,800; assistant clerk, \$3,900; three assistant clerks at \$3,000 each; two assistant clerks at \$2,220 each; messenger, \$1,800. To Audit and Control the Contingent Expenses of the Senate—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Banking and Currency—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,400; assistant clerk, \$2,220. Civil Service—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Claims—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; two assistant clerks, at \$2,220 each. Commerce—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; assistant clerk, \$2,400; two assistant clerks, at \$2,220 each. Conference Majority of the Senate—clerk, \$3,900; assistant clerk, \$2,880; two assistant clerks at \$2,580 each; assistant clerk, \$2,220. Conference Minority of the Senate—clerk, \$3,900; assistant clerk, \$2,880; two assistant clerks at \$2,580 each; assistant clerk, \$2,220. District of Columbia—clerk, \$3,900; two assistant clerks at \$2,880 each; assistant clerk, \$2,220; additional clerk, \$1,800. Education and Labor—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Enrolled Bills—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Expenditures in the Executive Departments—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Finance—clerk, \$4,200; special assistant to the committee, \$3,600; assistant clerk, \$2,880; assistant clerk, \$2,700; assistant clerk, \$2,400; two assistant clerks at \$2,220 each; two experts (one for majority and one for the minority) at \$3,600 each; messenger, \$1,800. Foreign Relations—clerk, \$3,900; assistant clerk, \$2,880 and \$500 additional so long as the position is held by the present incumbent; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800; messenger, \$1,800. Immigration—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Indian Affairs—clerk, \$3,900; assistant clerk, \$3,600, and \$1,400 additional so long as the position is held by the present incumbent; assistant clerk, \$2,880; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Interoceanic Canals—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Interstate Commerce—clerk, \$3,900; assistant clerk, \$3,600; assistant clerk, \$2,880; two assistant clerks at \$2,580 each; assistant clerk, \$2,220. Irrigation and Reclamation—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; two additional clerks at \$1,800 each. Judiciary—clerk, \$3,900; assistant clerk, \$2,880; two assistant clerks at \$2,580 each;

Clerks and messengers.

assistant clerk, \$2,220. Library—clerk, \$3,900; two assistant clerks at \$2,400 each; assistant clerk, \$2,220; additional clerk, \$1,800. Manufactures—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Military Affairs—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; assistant clerk, \$2,400; two assistant clerks at \$2,220 each. Mines and Mining—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; two additional clerks at \$1,800 each. Naval Affairs—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,400; two assistant clerks at \$2,220 each. Patents—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Pensions—clerk, \$3,900; assistant clerk, \$2,580; four assistant clerks at \$2,220 each. Post Offices and Post Roads—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,520; three assistant clerks at \$2,220 each; additional clerk, \$1,800. Printing—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Privileges and Elections—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Public Buildings and Grounds—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Public Lands and Surveys—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; two assistant clerks at \$2,220 each. Revision of the Laws—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Rules—clerk, \$3,900 and \$200 toward the preparation biennially of the Senate Manual under the direction of the Committee on Rules; assistant clerk, \$2,880; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Territories and Insular Affairs—clerk, \$3,900; assistant clerk, \$2,580; two assistant clerks at \$2,220 each; assistant clerk, \$2,000; additional clerk, \$1,800; in all, \$506,260.

Senate Manual.

CLERICAL ASSISTANCE TO SENATORS

Clerical assistance to Senators not chairmen of specified committees.
Post, p. 1030.

Clerical assistance to Senators who are not chairmen of the committees specially provided for herein, as follows: Seventy clerks at \$3,900 each; seventy assistant clerks at \$2,400 each; and seventy assistant clerks at \$2,220 each; such clerks and assistant clerks shall be ex officio clerks and assistant clerks of any committee of which their Senator is chairman; seventy additional clerks at \$1,800 each, one for each Senator having no more than one clerk and two assistant clerks for himself or for the committee of which he is chairman; messenger, \$1,800; in all, \$724,200.

Additional clerical assistance.

Ninety-six additional clerks at \$1,800 per annum each, one for each Senator, \$172,800.

Ninety-six additional clerks at \$1,500 per annum each, one for each Senator, \$144,000.

Twenty-six additional clerks at \$1,500 per annum each, one for each Senator from each State which has a population of three million or more inhabitants, \$39,000.

In all, clerical assistance to Senators, \$1,080,000.

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

Salaries.

Salaries: Sergeant at Arms and Doorkeeper, \$8,000; two secretaries (one for the majority and one for the minority), at \$5,400 each and \$1,500 additional each so long as the respective positions are held by the present respective incumbents; two assistant secretaries (one for the majority and one for the minority), at \$4,320 each; Deputy Sergeant at Arms and storekeeper, \$4,800; clerks—one \$3,000, one \$2,100, two at \$2,000 each, one \$1,800, one to the secretary for the majority, \$2,280, one to the secretary of the minority, \$2,280, one

\$1,500; assistant doorkeeper, \$2,880; messengers—three (acting as assistant doorkeepers) at \$2,400 each; thirty (including four for minority) at \$1,740 each; four at \$1,620 each; one at card door, \$2,640, and \$240 additional so long as the position is held by the present incumbent; clerk on Journal work for Congressional Record to be selected by the Official Reporters, \$3,360; upholsterer and locksmith, \$2,600; cabinetmaker, \$2,040; three carpenters at \$2,040 each; janitor, \$2,400; five skilled laborers, \$1,680 each; laborer in charge of private passage, \$1,740; four female attendants in charge of ladies' retiring rooms, at \$1,500 each; three female attendants in charge of ladies' retiring rooms, Senate Office Building, at \$1,500 each; attendant authorized by S. Res. 252, adopted May 13, 1938, \$1,500; telephone operators—chief \$2,460 and \$280 additional so long as the position is held by the present incumbent; fourteen at \$1,620 each; laborer in charge of Senate toilet rooms in old library space, \$1,200; press gallery—superintendent, \$3,660; assistant superintendent, \$2,520; assistant superintendent, \$2,400; messengers for service to press correspondents—four at \$1,440 each; laborers—three at \$1,380 each, thirty at \$1,260 each, three at \$480 each; special employees—seven at \$1,000 each; twenty-one pages for the Senate Chamber, at the rate of \$4 per day each, during the session, \$15,204; in all, \$269,044.

Post, p. 1030.

Police force for Senate Office Building under the Sergeant at Arms: Lieutenant, \$1,740; special officer, \$1,740; thirty-one privates at \$1,620 each; in all, \$53,700.

Police force for Senate Office Building.

POST OFFICE

Salaries: Postmaster, \$3,600; assistant postmaster, \$2,880; Chief Clerk, \$2,460; wagon master, \$2,280; twenty-six mail carriers, at \$1,620 each; in all, \$53,340.

Salaries.

FOLDING ROOM

Salaries: Foreman, \$2,460; assistant, \$2,160; clerk, \$1,740; folders—chief, \$2,040, fourteen at \$1,440 each; in all, \$28,560.

Salaries.

CONTINGENT EXPENSES OF THE SENATE

Vice President's automobile: For purchase, exchange, driving, maintenance, and operation of an automobile for the Vice President, \$4,000.

Automobile for Vice President.

Reporting Senate proceedings: For reporting the debates and proceedings of the Senate, payable in equal monthly installments, \$60,340.

Reporting Senate proceedings.

Furniture: For services in cleaning, repairing, and varnishing furniture, \$2,000.

Furniture.

For materials for furniture and repairs of same, exclusive of labor, and for the purchase of furniture, \$8,000.

Inquiries and investigations: For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, \$150,000: *Provided*, That no part of this appropriation shall be expended for per diem and subsistence expenses except in accordance with the provisions of the Subsistence Expense Act of 1926, approved June 3, 1926, as amended.

Inquiries and investigations.
Post, p. 628.

Proviso.
Per diem, etc.
44 Stat. 688.
5 U. S. C. §§ 821-833.

For expenses of compiling Senate contested election cases as authorized by Senate Resolution Numbered 229, agreed to February 7, 1940, \$2,000 to be immediately available.

Senate contested election cases.

Joint Committee on Internal Revenue Taxation: For payment of one-half of the salaries and other expenses of the Joint Committee on Internal Revenue Taxation as authorized by law, \$28,250.

Joint Committee on Internal Revenue Taxation.
Post, p. 470.

Folding documents.	Folding documents: For folding speeches and pamphlets at a rate not exceeding \$1 per thousand, \$18,000. For materials for folding, \$1,500.
Fuel, etc.	Fuel, and so forth: For fuel, oil, cotton waste, and advertising, exclusive of labor, \$2,000.
Senate restaurants. <i>Post</i> , p. 1031.	Senate restaurants: For repairs, improvements, equipment, and supplies for Senate kitchens and restaurants, Capitol Building, and Senate Office Building, including personal and other services, to be expended from the contingent fund of the Senate, under the supervision of the Committee on Rules, United States Senate, \$35,000.
Motor vehicles.	Motor vehicles: For maintaining, exchanging, and equipping motor vehicles for carrying the mails and for official use of the offices of the Secretary and Sergeant at Arms, \$8,760.
Miscellaneous items.	Miscellaneous items: For miscellaneous items, exclusive of labor, \$350,000.
Packing boxes.	Packing boxes: For packing boxes, \$970.
Postage stamps.	Postage stamps: For office of Secretary, \$350; office of Sergeant at Arms, \$150; in all, \$500.
Stationery.	Stationery: For stationery for Senators and for the President of the Senate, including \$7,500 for stationery for committees and officers of the Senate, \$19,500.
Rent of warehouse.	Rent: For rent of warehouse for storage of public documents, \$2,000.

HOUSE OF REPRESENTATIVES

SALARIES AND MILEAGE OF MEMBERS

Compensation.	For compensation of Members of the House of Representatives, Delegates from Territories, and the Resident Commissioner from Puerto Rico, \$4,385,000.
Mileage.	For mileage of Representatives, the Delegate from Hawaii, and the Resident Commissioner from Puerto Rico, and for expenses of the Delegate from Alaska, \$171,000.
Officers, clerks, etc.	For compensation of officers, clerks, messengers, and others:

OFFICE OF THE SPEAKER

Salaries.	Salaries: Secretary to the Speaker, \$4,620; three clerks to the Speaker, at \$2,400 each; messenger to Speaker \$1,680; in all, \$13,500.
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THE SPEAKER'S TABLE

Salaries.	Salaries: Parliamentarian \$5,000, and \$2,500 additional so long as the position is held by the present incumbent, and for preparing Digest of the Rules, \$1,000 per annum; Assistant Parliamentarian, \$2,760 and \$750 additional so long as the position is held by the present incumbent; messenger to Speaker's Table, \$1,740; in all, \$13,750.
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CHAPLAIN

Chaplain.	Chaplain of the House of Representatives, \$1,680.
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OFFICE OF THE CLERK

Salaries.	Salaries: Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, \$8,000; Journal clerk, two reading clerks, and tally clerk, at \$5,000 each; enrolling clerk, \$4,000; disbursing clerk, \$3,960 and \$1,040 additional so long as the position is held by the present incumbent; file clerk, \$3,780; chief bill clerk, \$3,540; assistant enrolling clerk, \$3,900; assistant to disbursing clerk, \$3,120; stationery clerk, \$2,880; librarian, \$2,760;
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assistant librarian, and assistant file clerk at \$2,520 each; assistant Journal clerk, and assistant librarian, at \$2,460 each; clerks—one at \$2,460, four at \$2,340 each; bookkeeper, and assistant in disbursing office, at \$2,160 each; three assistants to chief bill clerk at \$2,100 each; stenographer to the Clerk, \$2,500; assistant in stationery room, \$1,740; three messengers at \$1,680 each; stenographer to Journal clerk, \$1,560; laborers—three at \$1,440 each, ten at \$1,260 each; telephone operators—assistant chief, \$1,800; twenty-three at \$1,620 each; substitute telephone operator, when required, at \$4 per day, \$1,460; property custodian and superintendent of furniture and repair shop, who shall be a skilled cabinetmaker or upholsterer and experienced in the construction and purchase of furniture, \$3,960; two assistant custodians at \$3,360 each; locksmith and typewriter repairer, \$1,860; messenger and clock repairer, \$1,740; operation, maintenance, and repair of motor vehicles, \$1,200; in all, \$173,140.

COMMITTEE EMPLOYEES

Clerks, messengers, and janitors to the following committees: Accounts—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,560. Agriculture—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,560. Appropriations—clerk, \$7,000 and \$1,000 additional so long as the position is held by the present incumbent; assistant clerk, \$5,000 and \$2,500 additional so long as the position is held by the present incumbent; assistant clerk, \$3,900, and \$1,100 additional so long as the position is held by the present incumbent; two assistant clerks at \$3,900 each and \$600 each additional so long as the respective positions are held by the present respective incumbents; assistant clerk, \$3,900; assistant clerk, \$3,600 and \$900 additional so long as the position is held by the present incumbent; assistant clerk, \$3,300 and \$600 additional so long as the position is held by the present incumbent; assistant clerk, \$3,300; messenger, \$1,680; page, \$1,260; four clerk-stenographers, at the annual rate of \$1,800 each, one for each subcommittee of the Committee on Appropriations having jurisdiction over a regular annual appropriation bill as shall be designated by the chairman of the Committee on Appropriations and to be appointed by the chairmen of the subcommittees so designated, subject to the approval of the chairman, \$7,200. Banking and Currency—clerk, \$2,760; assistant clerk, \$1,740; janitor, \$1,260. Census—clerk, \$2,760; janitor, \$1,260. Civil Service—clerk, \$2,760; janitor, \$1,260. Claims—clerk, \$3,300; assistant clerk, \$1,740; janitor, \$1,260. Coinage, Weights, and Measures—clerk, \$2,760; janitor, \$1,260. Disposition of Executive Papers—clerk, \$2,760. District of Columbia—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,260. Education—clerk, \$2,760; janitor, \$1,260. Election of the President, Vice President, and Representatives in Congress—clerk, \$2,760. Elections Numbered 1—clerk, \$2,760; janitor, \$1,260. Elections Numbered 2—clerk, \$2,760; janitor, \$1,260. Elections Numbered 3—clerk, \$2,760; janitor, \$1,260. Enrolled Bills—clerk, \$2,760; janitor, \$1,260. Expenditures in Executive Departments—clerk, \$3,300; janitor, \$1,260. Flood Control—clerk, \$2,760; janitor, \$1,260. Foreign Affairs—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,260. Immigration and Naturalization—clerk, \$3,300; janitor, \$1,260. Indian Affairs—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,260. Insular Affairs—clerk, \$2,760; janitor, \$1,260. Interstate and Foreign Commerce—clerk, \$3,900; additional clerk, \$2,640; assistant clerk, \$2,100; janitor, \$1,560. Irrigation and Reclamation—clerk, \$2,760; janitor, \$1,260. Invalid Pensions—clerk, \$3,300; assistant clerk, \$2,880; expert examiner, \$2,700; stenographer, \$2,640; janitor, \$1,500. Judici-

Clerks, messengers,
and janitors.

ary—clerk, \$3,900; assistant clerk, \$2,460; assistant clerk, \$1,980; janitor, \$1,560. Labor—clerk, \$2,760; assistant clerk, \$1,740; janitor, \$1,260. Library—clerk, \$2,760; janitor, \$1,260. Merchant Marine and Fisheries—clerk, \$2,760; assistant clerk, \$1,740; janitor, \$1,260. Military Affairs—clerk, \$3,300; assistant clerk, \$2,100; janitor, \$1,560. Mines and Mining—clerk, \$2,760; janitor, \$1,260. Naval Affairs—clerk, \$3,300; assistant clerk, \$2,100; janitor, \$1,560. Patents—clerk, \$2,760; janitor, \$1,260. Pensions—clerk, \$3,300; assistant clerk, \$2,160; janitor, \$1,260. Post Office and Post Roads—clerk, \$3,300; assistant clerk, \$2,100; janitor, \$1,560. Printing—clerk, \$2,760; janitor, \$1,560. Public Buildings and Grounds—clerk, \$3,300; assistant clerk, \$1,740; janitor, \$1,260. Public Lands—clerk, \$3,300; assistant clerk, \$1,740; janitor, \$1,260. Revision of the Laws—clerk, \$3,300; janitor, \$1,260. Rivers and Harbors—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,560. Roads—clerk, \$2,760; assistant clerk, \$1,740; janitor, \$1,260. Rules—clerk, \$3,300; assistant clerk, \$2,100; janitor, \$1,260. Territories—clerk, \$2,760; janitor, \$1,260. War Claims—clerk, \$3,300; assistant clerk, \$1,740; janitor, \$1,260. Ways and Means—clerk, \$4,620; assistant clerk and stenographer, \$2,640; assistant clerk, \$2,580; clerk for minority, \$3,180 and \$420 additional so long as the position is held by the present incumbent; janitors—one, \$1,560; two at \$1,260 each. World War Veterans' Legislation—clerk, \$3,300; assistant clerk, \$2,460; in all, \$320,980.

OFFICE OF SERGEANT AT ARMS

Salaries.

Salaries: Sergeant at Arms, \$8,000; Deputy Sergeant at Arms in charge of Mace, \$3,180; cashier, \$6,000; assistant cashier, \$4,000; two bookkeepers, at \$3,360 each; Deputy Sergeant at Arms in charge of pairs, \$3,600, and \$300 additional while the position is held by the present incumbent; pair clerk and messenger, \$2,820; stenographer and typewriter, \$1,800; skilled laborer, \$1,380; hire of automobile, \$600; in all, \$38,400.

Police force, House Office Building.

Police force, House Office Building, under the Sergeant at Arms: Lieutenant, \$1,740; sergeant, \$1,680; thirty-seven privates at \$1,620 each; in all, \$63,360.

OFFICE OF DOORKEEPER

Salaries.

Salaries: Doorkeeper, \$6,000; special employee, \$3,000; superintendent of House Press Gallery, \$3,660; assistants to the superintendent of the House Press Gallery—one at \$2,520 and one at \$2,400; House Radio Press Gallery—superintendent of radio room at \$2,700; messenger at \$1,560; chief janitor, \$2,700; messengers—one chief messenger, \$2,240, sixteen messengers at \$1,740 each, fourteen on soldiers' roll at \$1,740 each; laborers—seventeen at \$1,260 each, two (cloakroom) at \$1,380 each, one (cloakroom), \$1,260, and seven (cloakroom) at \$1,140 each; three female attendants in ladies' retiring rooms at \$1,680 each, attendant for the ladies' reception room, \$1,440; superintendent of folding room, \$3,180; foreman of folding room, \$2,640; chief clerk to superintendent of folding room, \$2,460; three clerks at \$2,160 each; janitor, \$1,260; laborer, \$1,260; thirty-one folders at \$1,440 each; shipping clerk, \$1,740; two drivers at \$1,380 each; two chief pages at \$1,980 each; two telephone pages at \$1,680 each; two floor managers of telephones (one for the minority) at \$3,180 each; two assistant floor managers in charge of telephones (one for the minority) at \$2,100 each; forty-seven pages during the session, including ten pages for duty at the entrances to the Hall of the House, at \$4 per day each, \$34,028; superintendent of document room (Elmer A. Lewis), \$3,960 and \$1,040 additional so long as the posi-

Folding room.

Document room.

tion is held by the present incumbent; assistant superintendent of document room, \$2,760 and \$420 additional so long as the position is held by the present incumbent; clerk, \$2,320; assistant clerk, \$2,160; eight assistants at \$1,860 each; janitor, \$1,440; messengers to press room (House Press Gallery)—one at \$1,560, one at \$1,440; maintenance and repair of folding room motortruck, \$500; in all, \$269,688.

SPECIAL AND MINORITY EMPLOYEES

For the minority employees authorized and named in the House Resolutions Numbered 51 and 53 of December 11, 1931, and Numbered 281 of July 21, 1937: Two at \$5,000 each, one at \$3,000, two at \$2,820 each; one at \$3,600, and \$300 additional while the position is held by the present incumbent (minority pair clerk, House Resolution Numbered 313 of August 7, 1935); in all, \$22,540.

Minority employees.

Special employees: Assistant foreman of the folding room, authorized in the resolution of September 30, 1913, \$1,980; laborer, authorized and named in the resolution of April 28, 1914, \$1,380; laborer, \$1,380; in all, \$4,740.

Special employees.

Successors to any of the employees provided for in the two preceding paragraphs may be named by the House of Representatives at any time.

Naming of successors.

Office of majority floor leader: Legislative clerk, \$3,110; clerk, \$2,530; two assistant clerks, at \$1,800 each; for official expenses of the majority leader, as authorized by House Resolution Numbered 101, Seventy-first Congress, adopted December 18, 1929, \$2,000; in all, \$11,240.

Office of majority floor leader.

Conference minority: Clerk, \$3,180; legislative clerk, \$3,060; assistant clerk, \$2,100; janitor, \$1,560; in all, \$9,900. The foregoing employees to be appointed by the minority leader.

Conference minority.

Two messengers, one in the majority caucus room and one in the minority caucus room, to be appointed by the majority and minority whips, respectively, at \$1,740 each; in all, \$3,480.

Caucus room messengers.

POST OFFICE

Salaries: Postmaster, \$5,000; assistant postmaster, \$2,880; two registry and money-order clerks, at \$2,100 each; forty messengers (including one to superintend transportation of mails), at \$1,740 each; substitute messengers and extra services of regular employees, when required, at the rate of not to exceed \$145 per month each, \$1,740; laborer, \$1,260; in all, \$84,680.

Salaries.

Motor vehicles: For the purchase, exchange, maintenance, and repair of motor vehicles for carrying the mails, \$2,500.

Motor vehicles.

OFFICIAL REPORTERS OF DEBATES

Salaries: Six official reporters of the proceedings and debates of the House at \$7,500 each; clerk, \$4,000; assistant clerk, \$2,000; six expert transcribers at \$2,000 each; in all, \$63,000.

Salaries.

COMMITTEE STENOGRAPHERS

Salaries: Four stenographers to committees, at \$7,000 each and two stenographers to committees, at \$6,000 each; clerk, \$3,360; in all, \$43,360.

Salaries.

Whenever the words "during the session" occur in the foregoing paragraphs they shall be construed to mean the one hundred and eighty-one days from January 1 to June 30, 1941, both inclusive.

"During the session" construed.

CLERK HIRE, MEMBERS, AND DELEGATES

Clerk hire.

46 Stat. 38; 53 Stat.
1080.
2 U. S. C. § 60b;
Supp. V, § 60b.

For clerk hire necessarily employed by each Member and Delegate, and the Resident Commissioner from Puerto Rico, in the discharge of his official and representative duties, in accordance with the Act entitled "An Act to fix the compensation of officers and employees of the legislative branch of the Government", approved June 20, 1929, as amended by the Act of July 25, 1939, \$2,847,000.

CONTINGENT EXPENSES OF THE HOUSE

Furniture, etc.

Furniture: For furniture and materials for repairs of the same, including not to exceed \$29,000 for labor, tools, and machinery for furniture repair shops, \$45,000.

Packing boxes.
Proviso.
Restriction.

Packing boxes: For packing boxes, \$3,000: *Provided*, That no part of this appropriation shall be used to furnish a packing box to any Representative, Delegate, or Resident Commissioner for any session of Congress unless request therefor has been made not later than thirty days after the sine die adjournment of any such session.

Miscellaneous items.

Miscellaneous items: For miscellaneous items, exclusive of salaries unless specifically ordered by the House of Representatives, including reimbursement to the official stenographers to committees for the amounts actually paid out by them for transcribing hearings, and including materials for folding, \$97,500.

Reporting committee hearings.

Reporting committee hearings: For stenographic reports of hearings of committees other than special and select committees, \$25,000.

Special and select
committees.
Post, p. 623.

Special and select committees: For expenses of special and select committees authorized by the House, \$100,000.

Joint Committee on
Internal Revenue Tax-
ation.
Ante, p. 465.

Joint Committee on Internal Revenue Taxation: For payment of one-half of the salaries and other expenses of the Joint Committee on Internal Revenue Taxation as authorized by law, \$28,250.

Funeral expenses.

Funeral expenses: No part of the appropriations contained herein for the contingent expenses of the House of Representatives shall be used to defray the expenses of any committee consisting of more than six persons (not more than four from the House and not more than two from the Senate), nor to defray the expenses of any other person except the Sergeant at Arms of the House or a representative of his office, and except the widow or minor children or both of the deceased, to attend the funeral rites and burial of any person who at the time of his or her death is a Representative, a Delegate from a Territory, or a Resident Commissioner from Puerto Rico.

Telegraph and telephone service.

Telegraph and telephone: For telegraph and telephone service, exclusive of personal services, \$130,000.

Stationery.

Stationery: For stationery for Representatives, Delegates, and the Resident Commissioner from Puerto Rico, for the first session of the Seventy-seventh Congress, and for stationery for the use of the committees and officers of the House (not to exceed \$5,000), \$92,600.

Attending physi-
cian's office.
Post, p. 629.

Attending physician's office: For medical supplies, equipment, and contingent expenses of the emergency room and for the attending physician and his assistants, including an allowance of not to exceed \$30 per month each to three assistants as provided by the House resolutions adopted July 1, 1930, and January 20, 1932, \$4,000, of which sum \$500 shall be available immediately.

Postage stamps.

Postage stamps: Postmaster, \$200; Clerk, \$400; Sergeant at Arms, \$250; Doorkeeper, \$100; in all, \$950.

Folding documents.

Folding documents: For folding speeches and pamphlets, at a rate not exceeding \$1 per thousand, \$30,000, of which sum \$6,000 shall be available immediately.

Revision of laws.
45 Stat. 1008.

Revision of laws: For preparation and editing of the laws as authorized, by the Act approved May 29, 1928 (1 U. S. C., 59),

\$6,500, to be expended under the direction of the Committee on Revision of the Laws.

Clerk's office, special assistance: For assistants in compiling lists of reports to be made to Congress by public officials; compiling copy and revising proofs for the House portion of the Official Register; preparing and indexing the statistical reports of the Clerk of the House; compiling the telephone and Members' directories; preparing and indexing the daily calendars of business; preparing the official statement of Members' voting records; preparing lists of congressional nominees and statistical summary of elections; preparing and indexing questions of order printed in the Appendix to the Journal pursuant to House Rule III; for recording and filing statements of political committees and candidates for election to the House of Representatives pursuant to the Federal Corrupt Practices Act, 1925 (2 U. S. C. 241-256); and for such other assistance as the Clerk of the House may deem necessary and proper in the conduct of the business of his office, \$4,500: *Provided*, That no part of this appropriation shall be used to augment the annual salary of any employee of the House of Representatives.

Compiling testimony in contested-election cases: For services in compiling, arranging for the printer, reading proof, indexing testimony, stenography and typewriting, supervision of the work, and expenses incurred in the contested-election cases of the Seventy-fifth and Seventy-sixth Congresses, as authorized by the Act entitled "An Act relating to contested elections", approved March 2, 1887 (2 U. S. C. 201-226), \$1,250.

Speaker's automobile: For exchange, driving, maintenance, repair, and operation of an automobile for the Speaker, \$4,000.

Clerk's office, special assistance.

Official Register.

43 Stat. 1070.

Proviso.
Restriction on use of funds.

Contested-election cases.

24 Stat. 445.
2 U. S. C. § 223.

Automobile for Speaker.

CAPITOL POLICE

Salaries: Captain, \$2,700; three lieutenants, at \$1,740 each; two special officers, at \$1,740 each; three sergeants, at \$1,680 each; fifty-two privates, at \$1,620 each; one-half of said privates to be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House; in all, \$100,680: *Provided*, That no part of any appropriation contained in this Act shall be paid as compensation to any person appointed after June 30, 1935, as an officer or member of the Capitol Police (including those for the Senate and House Office Buildings) who does not meet the standards to be prescribed for such appointees by the Capitol Police Board: *Provided further*, That the Capitol Police Board is hereby authorized to detail police from the House and Senate Office Buildings for police duty on the Capitol Grounds.

General expenses: For purchasing and supplying uniforms, purchase, exchange, maintenance, and repair of motor-propelled passenger-carrying vehicles, contingent expenses, including \$25 per month for extra services performed by a member of such force for the Capitol Police Board, \$9,400.

One-half of the foregoing amounts under "Capitol Police" shall be disbursed by the Secretary of the Senate and one-half by the Clerk of the House.

Salaries.

Provisos.
Standards required.

Details for duty on Capitol Grounds.

General expenses.

Division of disbursements.

JOINT COMMITTEE ON PRINTING

Salaries: Clerk, \$4,000 and \$800 additional so long as the position is held by the present incumbent; inspector under section 20 of the Act approved January 12, 1895 (44 U. S. C. 49), \$2,820; assistant clerk and stenographer, \$2,640; for expenses of compiling, preparing, and indexing the Congressional Directory, \$1,600; in all, \$11,860, one-

Salaries.

28 Stat. 603.

Congressional Directory.

half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House.

OFFICE OF LEGISLATIVE COUNSEL

Salaries and expenses.

Proviso.
Salary of Legislative Counsel.

Salaries and expenses: For salaries and expenses of maintenance of the office of Legislative Counsel, as authorized by law, \$77,500, of which \$37,500 shall be disbursed by the Secretary of the Senate and \$40,000 by the Clerk of the House of Representatives: *Provided*, That hereafter the compensation of the Legislative Counsel of the Senate shall be at the rate of \$10,000 per annum so long as the position is held by the present incumbent.

STATEMENT OF APPROPRIATIONS

Preparation, 2d and 3d sessions, 76th Congress.

For preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives of the statements for the second and third sessions of the Seventy-sixth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills, as required by law \$4,000 to be paid to the persons designated by the chairmen of such committees to do the work.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

Salaries.

Salaries: For the Architect of the Capitol, Assistant Architect of the Capitol, and other personal services at rates of pay provided by law; and the Assistant Architect of the Capitol shall act as Architect of the Capitol during the absence or disability of that official or whenever there is no Architect; \$59,100.

Traveling expenses, limitation.

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of \$1,500.

CAPITOL BUILDINGS AND GROUNDS

Capitol Buildings.
Post, p. 629.

Capitol Buildings: For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including minor improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; special clothing for workmen; waterproof wearing apparel; personal and other services; cleaning and repairing works of art; purchase or exchange (not to exceed \$1,000), maintenance; and driving of motor-propelled passenger-carrying office vehicle; not exceeding \$300 for the purchase of technical and necessary reference books, periodicals, and city directory; \$304,041.

Capitol Grounds.

Capitol Grounds: For care and improvement of grounds surrounding the Capitol, Senate and House Office Buildings; Capitol power plant; personal and other services; care of trees; planting; fertilizers; repairs to pavements, walks, and roadways; purchase of waterproof wearing apparel; maintenance of signal lights; and for snow removal by hire of men and equipment or under contract without compliance with sections 3709 (41 U. S. C., 5) and 3744 (41 U. S. C., 16) of the Revised Statutes, \$131,991.

Post, p. 1109.
41 U. S. C., Supp.
V, § 16.
Legislative garage.

Legislative garage: For maintenance, repairs, alterations, personal and other services, and all necessary incidental expenses, \$11,880.

Subway transportation, Capitol and Senate Office Buildings: For repairs, rebuilding, and maintenance of the subway system connecting the Senate Office Building with the Senate wing of the United States Capitol and for personal and other services, including maintenance of the cars, track, and electrical equipment connected therewith, \$2,000.

Subway transportation, Capitol and Senate Office Buildings.

Senate Office Building: For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; and for personal and other services for the care and operation of the Senate Office Building, under the direction and supervision of the Senate Committee on Rules, including four female attendants in charge of ladies' retiring rooms at \$1,500 each; in all, \$306,745, of which amount not exceeding \$10,000 shall be available for painting office and committee rooms and corridors, and not exceeding \$5,000 for the purchase of rugs and carpets: *Provided*, That structural changes in the Senate Office Building shall only be made with the approval of the Architect of the Capitol.

Senate Office Building. Maintenance, etc. *Post*, p. 1031.

Proriso. Restriction on structural changes.

Not to exceed \$3,000 of the unexpended balance on June 30, 1940, of the appropriation for the maintenance of the Senate Office Building carried in the Legislative Branch Appropriation Act, fiscal year 1940, shall continue available until June 30, 1941, for rewiring electrical floor ducts in the Senate Office Building.

Rewiring electrical floor ducts.

53 Stat. 832.

House Office Buildings: For maintenance, including equipment, waterproof wearing apparel, miscellaneous items, and for all necessary services, \$432,200.

House Office Buildings.

Capitol Power Plant: For lighting, heating, and power for the Capitol, Senate and House Office Buildings, Supreme Court Building, Congressional Library Buildings, and the grounds about the same, Botanic Garden, legislative garage, and folding and storage rooms of the Senate, and for air-conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office and Washington City Post Office and for light and power therefor whenever available; personal and other services, engineering instruments, fuel, oil, materials, labor, advertising, and purchase of waterproof wearing apparel in connection with the maintenance and operation of the plant, \$554,190.

Capitol Power Plant.

The appropriations under the control of the Architect of the Capitol may be expended without reference to section 4 of the Act approved June 17, 1910 (41 U. S. C. 7), concerning purchases for executive departments.

Expenditures.

36 Stat. 531.

The Government Printing Office and the Washington City post office shall reimburse the Capitol power plant for heat, light, and power whenever any such service is furnished during the fiscal year 1941, and the amounts so reimbursed shall be covered into the Treasury.

Reimbursement for heat, etc., by designated buildings.

LIBRARY BUILDINGS AND GROUNDS

MECHANICAL AND STRUCTURAL MAINTENANCE

Salaries: For chief engineer and all personal services at rates of pay provided by law, \$87,900.

Salaries.

Salaries, Sunday opening: For extra services of employees and additional employees under the Architect of the Capitol to provide for the opening of the Library Buildings on Sundays and on holidays, at rates to be fixed by such Architect, \$6,768.

Salaries, Sunday opening.

General repairs, and so forth: For necessary expenditures for the Library Buildings and Grounds under the jurisdiction of the Architect of the Capitol, including minor improvements, maintenance, repair, equipment, supplies, waterproof wearing apparel, material, and appurtenances, and personal and other services in connection

General repairs, etc.

with the mechanical and structural maintenance of such buildings and grounds, \$36,539, of which \$3,649 shall be immediately available. Furniture, and so forth: For furniture, including partitions, screens, shelving, and electrical work pertaining thereto and repairs thereof, \$94,799, of which amount \$58,878 shall be available immediately.

BOTANIC GARDEN

Salaries.
42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

Maintenance, operation, repairs, and improvements.

Traveling expenses.

Vehicles.

Purchase of plants, etc.
Post, p. 1110.
41 U. S. C., Supp. V, § 6.

Distribution of nursery stock.

Open-market purchase of supplies.

41 U. S. C. §§ 5, 16;
Supp. V, §§ 5, 16.
Post, p. 1109.

Salaries: For personal services (including not exceeding \$3,000 for miscellaneous temporary labor without regard to the Classification Act of 1923, as amended), \$81,662; all under the direction of the Joint Committee on the Library.

Maintenance, operation, repairs, and improvements: For all necessary expenses incident to maintaining, operating, repairing, and improving the Botanic Garden, and the nurseries, buildings, grounds, and equipment pertaining thereto, including procuring fertilizers, soils, tools, trees, shrubs, plants, and seeds; materials and miscellaneous supplies, including rubber boots and aprons when required for use by employees in connection with their work; not to exceed \$25 for emergency medical supplies; disposition of waste; traveling expenses of the Director and his assistants not to exceed \$250; street-car fares not exceeding \$25; office equipment and contingent expenses; the prevention and eradication of insect and other pests and plant diseases by purchase of materials and procurement of personal services by contract without regard to the provisions of any other Act; repair, maintenance, operation, purchase, and exchange of motor-trucks and a passenger motor vehicle (the cost of such passenger vehicle not to exceed \$750, including the amount allowed on any vehicle given in part payment therefor); purchase of botanical books, periodicals, and books of reference, not to exceed \$100; repairs and improvements to Director's residence; and all other necessary expenses; all under the direction of the Joint Committee on the Library, \$23,125.

The sum of \$300 may be expended at any one time by the Botanic Garden for the purchase of plants, trees, shrubs, and other nursery stock, without reference to section 3709 of the Revised Statutes (41 U. S. C. 5).

No part of the appropriations contained herein for the Botanic Garden shall be used for the distribution, by congressional allotment, of trees, plants, shrubs, or other nursery stock.

The purchase of supplies and equipment and the procurement of services at the Botanic Garden may be made in the open market without compliance with sections 3709 and 3744 of the Revised Statutes of the United States in the manner common among businessmen, when the aggregate amount of the purchase or the services does not exceed \$50 in any instance.

LIBRARY OF CONGRESS

Salaries.

Proviso.
Transfer of funds.

Restriction.

Salaries, Library, Proper: For the Librarian, the Librarian Emeritus, Chief Assistant Librarian, and other personal services, including special and temporary services and extra special services of regular employees (not exceeding \$2,000) at rates to be fixed by the Librarian, \$1,256,920, of which sum \$8,820 shall be immediately available: *Provided*, That not to exceed \$10,000 of any money accruing from lapses under this appropriation may be transferred in such sums as the Librarian may designate to the appropriations for the Copyright Office Union Catalogs, Distribution of Card Indexes, and Library Buildings; but none of such transferred funds shall be utilized for the employment of additional personnel.

COPYRIGHT OFFICE

Salaries: For the Register of Copyrights, assistant register, and other personal services, \$293,240, of which sum \$3,180 shall be immediately available.

Salaries.

LEGISLATIVE REFERENCE SERVICE

Salaries: To enable the Librarian of Congress to employ competent persons to gather, classify, and make available, in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation, and to render such data serviceable to Congress, and committees and Members thereof, and for printing and binding the digests of public general bills, and including not to exceed \$5,700 for employees engaged on piece work and work by the day or hour at rates to be fixed by the Librarian, \$122,080: *Provided*, That not more than \$20,000 of this sum shall be used for preparation and reproduction of copies of the Digest of General Public Bills.

Salaries.

Digests of public general bills.

Proviso.
Limitation.

DISTRIBUTION OF CARD INDEXES

Salaries and expenses: For the distribution of card indexes and other publications of the Library, including personal services, freight charges (not exceeding \$500), expressage, postage, traveling expenses connected with such distribution, expenses of attendance at meetings when incurred on the written authority and direction of the Librarian, and including not to exceed \$76,000 for employees engaged in piece work and work by the day or hour and for extra special services of regular employees at rates to be fixed by the Librarian; in all, \$246,760.

Salaries and expenses.

INDEX TO STATE LEGISLATION

Salaries and expenses: To enable the Librarian of Congress to prepare an index to the legislation of the several States, together with a supplemental digest of the more important legislation, as authorized and directed by the Act entitled "An Act providing for the preparation of a biennial index to State legislation", approved February 10, 1927 (2 U. S. C. 164, 165), including personal and other services within and without the District of Columbia, including not to exceed \$2,500 for special and temporary services at rates to be fixed by the Librarian, travel, necessary material and apparatus, and for printing and binding the indexes and digests of State legislation for official distribution only, and other printing and binding incident to the work of compilation, stationery, and incidentals, \$32,500.

Salaries and expenses.

44 Stat. 1066.

Temporary services.

Printing and binding.

SUNDAY OPENING

Salaries: To enable the Library of Congress to be kept open for reference use on Sundays and on holidays within the discretion of the Librarian, including the extra services of employees and the services of additional employees under the Librarian, at rates to be fixed by the Librarian, \$25,032.

Salaries.

UNION CATALOGS

Salaries and expenses: To continue the development and maintenance of the Union Catalogs, including personal services within and without the District of Columbia (and not to exceed \$700 for special and temporary services, including extra special services of regular employees, at rates to be fixed by the Librarian), travel, necessary material and apparatus, stationery, photostat supplies, and incidentals, \$26,180.

Salaries and expenses.

INCREASE OF THE LIBRARY OF CONGRESS

General increase of Library.

General increase of Library: For purchase of books, miscellaneous periodicals and newspapers, photo-copying supplies and photo-copying labor, and all other material for the increase of the Library, including payment in advance for subscription books and society publications, and for freight, commissions, and traveling expenses not to exceed \$5,000, including expenses of attendance at meetings when incurred on the written authority and direction of the Librarian in the interest of collections, and all other expenses incidental to the acquisition of books, miscellaneous periodicals and newspapers, and all other material for the increase of the Library, by purchase, gift, bequest, or exchange, \$148,000, to continue available during the fiscal year 1942.

Traveling expenses.

Increase of law library.

Increase of the law library: For the purchase of books and for legal periodicals for the law library, including payment for legal society publications and for freight, commissions, and all other expenses incidental to the acquisition of lawbooks, and all other material for the increase of the law library, \$85,000, to continue available, during the fiscal year 1942.

Books for the Supreme Court.

Books for the Supreme Court: For the purchase of books and periodicals for the Supreme Court, to be a part of the Library of Congress, and purchased by the Marshal of the Supreme Court, under the direction of the Chief Justice, \$10,000.

BOOKS FOR ADULT BLIND

Books for adult blind.
Post, pp. 630, 1031.
46 Stat. 1487.
2 U. S. C. §§ 135a, 135b; Supp. V, § 135a.

To enable the Librarian of Congress to carry out the provisions of the Act entitled "An Act to provide books for the adult blind", approved March 3, 1931 (2 U. S. C. 135a), as amended, \$275,000, including not exceeding \$16,500 for personal services and not exceeding \$500 for necessary traveling expenses connected with such service and for expenses of attendance at meetings when incurred on the written authority and direction of the Librarian.

PRINTING AND BINDING

General printing and binding.

General printing and binding: For miscellaneous printing and binding for the Library of Congress, including the Copyright Office, and the binding, rebinding, and repairing of library books, and for the Library Buildings, \$400,000.

Catalog of Title Entries of the Copyright Office, etc.

Printing the Catalog of Title Entries of the Copyright Office: For the publication of the Catalog of Title Entries of the Copyright Office and the decisions of the United States courts involving copyright, \$59,600.

Catalog cards.

Printing catalog cards: For the printing of catalog cards, \$197,500.

CONTINGENT EXPENSES OF THE LIBRARY

Stationery, office supplies, etc.

For miscellaneous and contingent expenses, stationery, office supplies, stock, and materials directly purchased, miscellaneous traveling expenses, postage, transportation, incidental expenses connected with the administration of the Library and Copyright Office, including not exceeding \$500 for expenses of attendance at meetings when incurred on the written authority and direction of the Librarian, \$11,000.

Photoduplicating expenses.

For paper, chemicals, and miscellaneous supplies necessary for the operation of the photoduplicating machines of the Library and the making of photoduplicate prints, \$6,000.

LIBRARY BUILDINGS

Salaries: For the superintendent disbursing officer, and other personal services, in accordance with the Classification Act of 1923, as amended, including special and temporary services and special services of regular employees in connection with the custody, care, and maintenance of the Library Buildings, in the discretion of the Librarian (not exceeding \$750), at rates to be fixed by the Librarian, \$287,406.

For extra services of employees and additional employees under the Librarian to provide for the opening of the Library Buildings on Sundays and on holidays, at rates to be fixed by the Librarian, \$10,880.

For mail, delivery, including purchase or exchange, maintenance, operation, and repair of a motor-propelled passenger-carrying vehicle, and telephone services, rubber boots, rubber coats, and other special clothing for workmen, uniforms for guards and elevator conductors, medical supplies, equipment, and contingent expenses for the emergency room, stationery, miscellaneous supplies, and all other incidental expenses in connection with the custody and maintenance of the Library Buildings, \$16,700.

Salaries.
42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

Sunday, etc., opening.

Incidentals.

LIBRARY OF CONGRESS TRUST FUND BOARD

For any expense of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$500.

Expenses.

GOVERNMENT PRINTING OFFICE

WORKING CAPITAL AND CONGRESSIONAL PRINTING AND BINDING

To provide the Public Printer with a working capital for the following purposes for the execution of printing, binding, lithographing, mapping, engraving, and other authorized work of the Government Printing Office for the various branches of the Government: For salaries of Public Printer and Deputy Public Printer; for salaries, compensation, or wages of all necessary officers and employees additional to those herein appropriated for, including employees necessary to handle waste paper and condemned material for sale; to enable the Public Printer to comply with the provisions of law granting holidays and half holidays and Executive orders granting holidays and half holidays with pay to employees; to enable the Public Printer to comply with the provisions of law granting leave to employees with pay, said pay to be at the rate for their regular positions at the time the leave is granted; rental of buildings and equipment, fuel, gas, heat, electric current, gas and electric fixtures; bicycles, motor-propelled vehicles for the carriage of printing and printing supplies, and the maintenance, repair, and operation of the same, to be used only for official purposes, including operation, repair, and maintenance of motor-propelled passenger-carrying vehicles, and the purchase or exchange of two such passenger vehicles (at a cost, including the allowance on any vehicle given in part payment therefor, of not to exceed \$1,000 and \$750, respectively), for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer; freight, expressage, telegraph and telephone service, furniture, typewriters, and carpets; traveling expenses; stationery, postage, and advertising; directories, technical books, newspapers and magazines, and books of reference (not exceeding \$500); adding and numbering machines, time stamps, and other machines of similar

Working capital for execution of printing, binding, etc.

Salaries, etc.

Leave to employees with pay.

Vehicles.

Freight, etc.

Machinery.	<p>character; rubber boots, coats, and gloves; machinery (not exceeding \$300,000); equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer; for expenses authorized in writing by the Joint Committee on Printing for the inspection of printing and binding equipment, material, and supplies and Government printing plants in the District of Columbia or elsewhere (not exceeding \$1,000); for salaries and expenses of preparing the semimonthly and session indexes of the Congressional Record under the direction of the Joint Committee on Printing (chief indexer at \$3,480, one cataloger at \$3,180, two catalogers at \$2,460 each, and one cataloger at \$2,100); for the printing and distribution of the Federal Register in accordance with the provisions of the Act approved July 26, 1935; and for all the necessary labor, paper, materials, and equipment needed in the prosecution and delivery and mailing of the work; in all, \$3,820,000; to which sum shall be charged the printing and binding authorized to be done for Congress including supplemental and deficiency estimates of appropriations, the printing, binding, and distribution of the Federal Register (not exceeding \$120,000), the printing and binding for use of the Government Printing Office, and printing and binding (not exceeding \$2,000) for official use of the Architect of the Capitol upon requisition of the Secretary of the Senate, in all to an amount not exceeding \$2,820,000: <i>Provided</i>, That not less than \$1,000,000 of such working capital shall be returned to the Treasury as an unexpended balance not later than six months after the close of the fiscal year 1941.</p>
Indexes, Congressional Record.	
Federal Register.	
49 Stat. 500. 44 U. S. C., Supp. V, §§ 301-314. Printing and binding.	
<i>Proviso.</i> Return of unexpended balance.	
Printing and binding for Congress.	<p>Printing and binding for Congress chargeable to the foregoing appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress within the fiscal year for which this appropriation is made.</p>
Payment for work ordered by departments, etc.	<p>During the fiscal year 1941 any executive department or independent establishment of the Government ordering printing and binding from the Government Printing Office shall pay promptly by check to the Public Printer upon his written request, either in advance or upon completion of the work, all or part of the estimated or actual cost thereof, as the case may be, and bills rendered by the Public Printer in accordance herewith shall not be subject to audit or certification in advance of payment: <i>Provided</i>, That proper adjustments on the basis of the actual cost of delivered work paid for in advance shall be made monthly or quarterly and as may be agreed upon by the Public Printer and the department or establishment concerned. All sums paid to the Public Printer for work that he is authorized by law to do shall be deposited to the credit, on the books of the Treasury Department, of the appropriation made for the working capital of the Government Printing Office for the year in which the work is done, and be subject to requisition by the Public Printer.</p>
<i>Proviso.</i> Adjustments.	
Credit of payments to working capital.	
Printing and binding estimates, requirements.	<p>All amounts in the Budget for the fiscal year 1942 for printing and binding for any department or establishment, so far as the Bureau of the Budget may deem practicable, shall be incorporated in a single item for printing and binding for such department or establishment and be eliminated as a part of any estimate for any other purpose. And if any amounts for printing and binding, including the total cost of work produced on the multilith, multi-</p>

graph, and other similar equipment are included as a part of any estimates for any other purposes, such amounts shall be set forth in detail in a note immediately following the general estimate for printing and binding: *Provided*, That the foregoing requirements shall not apply to work to be executed at the Bureau of Engraving and Printing.

No part of any money appropriated in this Act shall be paid to any person employed in the Government Printing Office while detailed for or performing service in the executive branch of the public service of the United States unless such detail be authorized by law.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

Salaries: For the Superintendent of Documents, assistant superintendent, and other personal services in accordance with the Classification Act of 1923, as amended, and compensation of employees paid by the hour who shall be subject to the provisions of the Act entitled "An Act to regulate and fix rates of pay for employees and officers of the Government Printing Office", approved June 7, 1924 (44 U. S. C. 40), \$725,000: *Provided*, That for the purpose of conforming to section 3 of this Act this appropriation shall be considered a separate appropriation unit.

General expenses: For furniture and fixtures, typewriters, carpets, labor-saving machines and accessories, time stamps, adding and numbering machines, awnings, curtains, books of reference; directories, books, miscellaneous office and desk supplies, paper, twine, glue, envelopes, postage, carfares, soap, towels, disinfectants, and ice; drayage, express, freight, telephone, and telegraph service; traveling expenses (not to exceed \$200); repairs to buildings, elevators, and machinery; rental of equipment; preserving sanitary condition of building; light, heat, and power; stationery and office printing, including blanks, price lists, bibliographies, catalogs, and indexes; for supplying books to depository libraries; in all, \$292,430: *Provided*, That no part of this sum shall be used to supply to depository libraries any documents, books, or other printed matter not requested by such libraries, and the requests therefor shall be subject to approval by the Superintendent of Documents.

In order to keep the expenditures for printing and binding for the fiscal year 1941 within or under the appropriations for such fiscal year, the heads of the various executive departments and independent establishments are authorized to discontinue the printing of annual or special reports under their respective jurisdictions: *Provided*, That where the printing of such reports is discontinued the original copy thereof shall be kept on file in the offices of the heads of the respective departments or independent establishments for public inspection.

Purchases may be made from the foregoing appropriation under the "Government Printing Office", as provided for in the Printing Act approved January 12, 1895, and without reference to section 4 of the Act approved June 17, 1910 (41 U. S. C. 7), concerning purchases for executive departments.

SEC. 2. No part of the funds herein appropriated shall be used for the maintenance or care of private vehicles.

SEC. 3. In expending appropriations or portions of appropriations contained in this Act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, the average of the salaries of the total number of persons under any grade in the Botanic Garden, the Library of Congress, or the Government Printing Office, shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position

Proviso.
Exception.

Detailed employees.

Salaries.
42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

43 Stat. 658.

Proviso.
Item a separate appropriation unit.

General expenses.

Proviso.
Supplying books, etc., to depository libraries.

Annual or special reports of departments, etc.

Proviso.
Originals to be kept on file.

Purchases.

28 Stat. 601.
36 Stat. 531.

Private vehicles.

Salary restriction.
42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

Proviso.
Restriction not ap-
plicable in designated
cases.
42 Stat. 1490.
5 U. S. C. § 666.

Rate of compensa-
tion and designation
of positions.
46 Stat. 32.
2 U. S. C. § 60a;
Supp. V, § 60a.

Short title.

is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade, advances may be made to rates higher than the average of the compensation rates of the grade, but not more often than once in any fiscal year, and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service; (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act; (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit; (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law; or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

SEC. 4. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is specifically appropriated for herein or whenever the rate of compensation or designation of any position specifically appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, specifically appropriated for herein, shall be the permanent law with respect thereto; and the authority for any position specifically established by such Act which is not specifically appropriated for herein shall cease to exist.

SEC. 5. This Act may be cited as the "Legislative Branch Appropriation Act, 1941".

Approved, June 18, 1940.

[CHAPTER 397]

AN ACT

To amend the Code of the District of Columbia to provide for the organization and regulation of cooperative associations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ARTICLE I—DEFINITIONS

Definitions.

SECTION 1. DEFINITIONS.—In this Act unless the subject matter requires otherwise—

"Association."

(1) "Association" means a group enterprise legally incorporated under this Act, and shall be deemed to be a nonprofit corporation.

"Member."

(2) "Member" means not only a member in a nonshare association but also a member in a share association.

"Net savings."

(3) "Net savings" means the total income of an association minus the costs of operation.

"Savings returns."

(4) "Savings returns" means the amount returned to the patrons in proportion to their patronage or otherwise in accordance with the provisions of section 31 herein.

"Cooperative basis."

(5) "Cooperative basis" as applied to any incorporated or unincorporated group referred to in sections 4 (7), 13, 23, 37, 40, and 41 herein means—

* (a) that each member has one vote and only one vote, except as may be altered in the articles or bylaws by provision for voting by member organizations;

(b) that the maximum rate at which any return is paid on share or membership capital is limited to not more than 8 per centum per annum;

(c) that the net savings after payment, if any, of said limited return on capital and after making provision for such separate funds as may be required or specifically permitted by statute, articles, or bylaws, or allocated or distributed to member patrons, or to all patrons, in proportion to their patronage; or retained by the enterprise, for the actual or potential expansion of its services or the reduction of its charges to the patrons, or for other purposes not inconsistent with its nonprofit character.

ARTICLE II—WHO MAY INCORPORATE; PURPOSES AND POWERS OF ASSOCIATIONS

SEC. 2. WHO MAY INCORPORATE.—Any five or more natural persons or two or more associations may incorporate in the District of Columbia under this Act.

Who may incorporate.

SEC. 3. PURPOSES.—An association may be incorporated under this Act to engage in any one or more lawful mode or modes of acquiring, producing, building, operating, manufacturing, furnishing, exchanging, or distributing any type or types of property, commodities, goods, or services for the primary and mutual benefit of the patrons of the association (or their patrons, if any) as ultimate consumers.

Purposes.

SEC. 4. POWERS.—An association shall have the capacity to act possessed by natural persons and the authority to do anything required or permitted by this Act and also—

Powers.

(1) To continue as a corporation for the time specified in its articles;

(2) To have a corporate seal and to alter the same at pleasure;

(3) To sue and be sued in its corporate name;

(4) To make bylaws for the government and regulation of its affairs;

(5) To acquire, own, hold, sell, lease, pledge, mortgage, or otherwise dispose of any property incident to its purposes and activities;

(6) To own and hold membership in and share capital of other associations and any other corporations, and any types of bonds or other obligations; and while the owner thereof to exercise all the rights of ownership;

(7) To borrow money, contract debts, and make contracts, including agreements of mutual aid or federation with other associations, other groups organized on a cooperative basis, and other nonprofit groups;

(8) To conduct its affairs within or without the District of Columbia;

(9) To exercise in addition any power granted to ordinary business corporations, save those powers inconsistent with this Act;

(10) To exercise all powers not inconsistent with this Act which may be necessary, convenient, or expedient for the accomplishment of its purposes, and, to that end, the foregoing enumeration of powers shall not be deemed exclusive.

ARTICLE III—ARTICLES OF INCORPORATION

SEC. 5. ARTICLES OF INCORPORATION; CONTENTS.—Articles of incorporation shall be signed by each of the incorporators and acknowledged by at least three of them if natural persons, and by the presidents and secretaries, if associations, before an officer authorized to take acknowledgments.

Articles of incorporation.
Signing, etc.

Contents.

Within the limitations of this Act the articles shall contain—

- (1) A statement as to the purpose or purposes for which the association is formed;
- (2) The name of the association which shall include the word "cooperative";
- (3) The term of existence of the association which may be perpetual;
- (4) The location and address of the principal office of the association;
- (5) The names and addresses of the incorporators of the association;
- (6) The names and addresses of the directors who shall manage the affairs of the association for the first year, unless sooner changed by the members;
- (7) A statement of whether the association is organized with or without shares, and the number of shares or memberships subscribed for;
- (8) If organized with shares, a statement of the amount of authorized capital, the number and types of shares and the par value thereof which may be placed at any figure, and the rights, preferences, and restrictions of each type of share;
- (9) The minimum number or value of shares which must be owned in order to qualify for membership; if organized without shares, a statement of whether the property rights of members shall be equal or unequal, and if unequal, the rule by which their rights shall be determined;
- (10) The maximum amount or percentage of capital which may be owned or controlled by any member; including a statement of whether or not each member shall be limited to a single share, and whether such single shares shall be of various par values;
- (11) The method by which any surplus, upon dissolution of the association, shall be distributed, in conformity with the requirements of section 36 herein for division of such surplus.

Other provisions.

The articles may also contain any other provisions not inconsistent with law or with this Act, for the conduct of the association's affairs.

Filing; recordation; fees; etc.

SEC. 6. SAME; FILING; RECORDATION; FEES; EFFECT OF CERTIFICATE.—

31 Stat. 1276.
10 D. C. Code § 14;
Supp. V, § 14.

The articles shall be delivered to the recorder of deeds. If he finds that the articles conform to law, he shall file the same upon the payment of a fee of \$5, and he shall record the same, upon payment of a fee of \$1. Said fees shall be in lieu of any other fees or payments provided in section 552 of the Act entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901, or in any other section of the Code of Laws of the District of Columbia, to be paid for at the time of said filing; and the last paragraph of section 552 of such Act of March 3, 1901, shall have no application to associations organized under this Act. After such filing and recording, he shall issue a certificate of incorporation, whereupon the corporate existence shall begin. Such certificate shall be conclusive evidence of the fact that the corporation has been duly incorporated. This shall not preclude the institution of quo warranto proceedings under sections 1538 through 1548, both inclusive, of the Act entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901. The filing or recording of the articles or of amendments thereto, or of any other papers pursuant to this Act is required for the purpose of affording all persons the opportunity of acquiring knowledge of the contents thereof, but no person or incorporated or unincorporated group dealing with the association shall be charged with constructive notice of the contents of any such articles or papers by reason of such filing or recording.

Issuance of certificate of incorporation; effect.

Quo warranto proceedings.

31 Stat. 1419.
24 D. C. Code §§
231-241; Supp. V, §§
231-233.

Constructive notice.

SEC. 7. SAME; AMENDMENTS; FEE.—Amendments to the articles may be proposed by a two-thirds vote of the board of directors, or by petition of 10 per centum of the association's members. Notice of the meeting to consider such amendment shall be sent by the secretary at least thirty days in advance thereof to each member at his last-known address, accompanied by the full text of the proposal and by that part of the articles to be amended. Two-thirds of the members voting may adopt said amendment and when verified by the president and secretary, it shall be filed and recorded with the recorder of deeds within thirty days of its adoption, and a fee of \$1 shall be paid.

Amendments; fee.

If the amendment is to alter the preferences of outstanding shares of any type, or to authorize the issuance of shares having preferences superior to outstanding shares of any type, the vote of two-thirds of the members owning such outstanding shares affected by the change shall also be required for the adoption of the amendment; if the amendment is to alter the rule by which members' property rights in a nonshare association are determined, a vote of two-thirds of the entire membership shall be required.

Alteration of preferences of outstanding shares, etc.

The amount of capital and the number and par value of shares may be diminished or increased by amendment of the Articles, but the capital shall not be diminished below the amount of paid-up capital existing at the time of amendment.

Amount of capital; number and par value of shares.

ARTICLE IV—BYLAWS

SEC. 8. ADOPTION, AMENDMENT, OR REPEAL OF BYLAWS.—Bylaws shall be adopted, amended, or repealed by at least a majority vote of the members voting.

Adoption, amendment, or repeal of bylaws.

SEC. 9. CONTENTS OF BYLAWS.—The bylaws may, within the limitations of this Act provide for—

Contents of bylaws.

(1) The method and terms of admission to membership and the disposal of members' interests on cessation of membership for any reason;

(2) The time, place, and manner of calling and conducting meetings;

(3) The number or percentage of the members constituting a quorum;

(4) The number, qualifications, powers, duties, term of office, and manner, time, and vote for election, of directors and officers; and the division or classification, if any, of directors to provide for rotating or overlapping terms;

(5) The compensation, if any, of the directors, and the number of directors necessary to constitute a quorum;

(6) The method of distributing the net savings;

(7) The various discretionary provisions of this Act as well as other provisions incident to the purposes and activities of the association.

ARTICLE V—MEETINGS

SEC. 10. REGULAR AND SPECIAL MEETINGS.—Regular meetings of members shall be held as prescribed in the bylaws, but shall be held at least once a year. Special meetings may be demanded by a majority vote of the directors or by written petition of at least one-tenth of the membership, in which case it shall be the duty of the secretary to call such meeting to take place within thirty days after such demand. Regular or special meetings, including meetings by units as hereinafter provided, may be held within or without the District of Columbia as the articles may prescribe.

Regular and special meetings.

SEC. 11. NOTICE OF MEETINGS.—The secretary shall give notice of the time and place of meetings by sending a notice thereof to each

Notice of meetings.

member at his last-known address not less than the number of days in advance of the meeting specified in the bylaws. In case of a special meeting the notice shall specify the purpose for which such meeting is called.

Meetings by units
of the membership.

SEC. 12. MEETINGS BY UNITS OF THE MEMBERSHIP.—The articles or bylaws may provide for the holding of meetings by units of the membership and may provide for a method of transmitting the votes there cast to the central meeting, or for a method of representation by the election of delegates to the central meeting; or for a combination of both such methods.

ARTICLE VI—VOTING

One member—one
vote.

SEC. 13. ONE MEMBER—ONE VOTE.—Each member of an association shall have one and only one vote, except that where an association includes among its members any number of other associations or groups organized on a cooperative basis the voting rights of such member associations or groups may be as prescribed in the articles or bylaws.

No voting agreement or other device to evade the one-member-one-vote rule shall be enforceable at law or in equity.

No proxy.

SEC. 14. NO PROXY.—No member shall be permitted to vote by proxy.

Voting by mail.

SEC. 15. VOTING BY MAIL.—The articles or bylaws may provide for either or both of the following types of voting by mail:

(1) That the secretary shall send to the members a copy of any proposal scheduled to be offered at a meeting, together with the notice of said meeting, and that the mail votes cast by the members shall be counted together with those cast at the meeting if such mail votes are returned to the association within a specified number of days;

(2) That the secretary shall send to any member absent from a meeting an exact copy of the proposal acted upon at the meeting, and that the mail vote of the member upon such proposal, if returned within a specified number of days, shall be counted together with the votes cast at said meeting.

The articles or bylaws may also determine whether and to what extent mail votes shall be counted in computing a quorum.

SEC. 16. APPLICATION OF VOTING PROVISIONS IN THIS ACT TO VOTING BY MAIL.—If an association has provided for voting by mail, any provision of this Act referring to votes cast by the members shall be construed to include the votes cast by mail.

Voting by delegates.

SEC. 17. APPLICATION OF VOTING PROVISIONS IN THIS ACT TO VOTING BY DELEGATES.—If an association has provided for voting by delegates any provision of this Act referring to votes cast by the members shall apply to votes cast by delegates; but this shall not permit delegates to vote by mail.

ARTICLE VII—DIRECTORS AND OFFICERS

Board of directors.

SEC. 18. DIRECTORS.—An association shall be managed by a board of not less than five directors, who shall be elected for a term fixed in the bylaws not to exceed three years, by and from the members of the association and shall hold office until their successors are elected, or until removed. Vacancies in the board of directors, otherwise than by removal or expiration of term, shall be filled in such manner as the bylaws may provide.

Vacancies.

Apportionment of
directors.

The bylaws may provide for a method of apportioning the number of directors among the units into which the association may be divided, and for the election of directors by the respective units to which they are apportioned.

An executive committee of the board of directors may be elected in such manner and with such powers and duties as the articles or bylaws may prescribe.

Executive committee.

Meetings of directors and of the executive committee may be held within or without the District of Columbia.

Meetings.

SEC. 19. OFFICERS.—The officers of an association shall include a president, one or more vice presidents, a secretary and a treasurer, or a secretary-treasurer. The officers shall be elected annually by the directors unless the bylaws otherwise provide. The president and at least one vice president must be directors, but no other officer need be a director.

Officers.

SEC. 20. REMOVAL OF DIRECTORS AND OFFICERS.—A director or officer may be removed with or without cause, by a vote of two-thirds of the members voting at a regular or special meeting. The director or officer involved shall have an opportunity to be heard at said meeting. A vacancy caused by any such removal shall be filled by the vote provided in the bylaws for election of directors.

Removal of directors and officers.

SEC. 21. REFERENDUM.—The articles or bylaws may provide that within a specified period of time any action taken by the directors must be referred to the members for approval or disapproval if demanded by petition of at least 10 per centum of all the members or by vote of at least a majority of the directors: *Provided, however,* That the rights of third parties which have vested between the time of such action and such referendum shall not be impaired thereby.

Referendum.

Proviso.
Rights of third parties.

ARTICLE VIII—SHARES AND MEMBERSHIP

SEC. 22. LIMITATIONS UPON THE RETURN ON CAPITAL.—The return upon capital shall not exceed 6 per centum per annum upon the paid-up capital and shall be noncumulative.

Limitations upon return on capital.

Total return upon capital distributed for any single period shall not exceed 50 per centum of the net savings for that period.

SEC. 23. ELIGIBILITY AND ADMISSION TO MEMBERSHIP.—Any natural person, association, incorporated, or unincorporated group organized on a cooperative basis, or any nonprofit group, shall be eligible for membership in an association if it has met the qualifications for eligibility, if any, stated in the articles or bylaws and shall be deemed a member upon payment in full for the par value of the minimum amount of share or membership capital stated in the articles as necessary to qualify for membership.

Eligibility and admission to membership.

SEC. 24. SUBSCRIBERS.—Any natural person or group eligible for membership and legally obligated to purchase a share or shares of, or membership in, an association shall be deemed a subscriber. The articles or bylaws may determine whether, and the conditions under which, any voting rights or other rights of membership shall be granted to subscribers.

Subscribers.

SEC. 25. SHARE AND MEMBERSHIP CERTIFICATES; ISSUANCE AND CONTENTS.—No certificate for share or membership capital shall be issued until the par value thereof has been paid for in full. There shall be printed upon each certificate issued by an association a full or condensed statement of the requirements of sections 13, 14, and 26 herein.

Share and membership certificates; issuance and contents.

SEC. 26. TRANSFER OF SHARES AND MEMBERSHIP; WITHDRAWAL.—If a member desires to withdraw from the association or dispose of any or all of his holdings therein, the directors shall have the power to purchase such holdings by paying him the par value of any or all of the holdings offered. The directors shall then reissue or cancel the same. A vote of the majority of the members voting at a regular or special meeting may order the directors to exercise this power to purchase.

Transfer of shares and membership; withdrawal.

If the association fails, within sixty days of the original offer, to purchase all or any part of the holdings offered, the member may dispose of the unpurchased interest elsewhere, subject to the approval of the transferee by a majority vote of the directors. Any would-be transferee not approved by the directors may appeal to the members at their first regular or special meeting thereafter, and the action of the meeting shall be final. If such transferee is not approved, the directors shall exercise their power to purchase, if and when such purchase can be made without jeopardizing the solvency of the association.

Share and membership certificates; recall.

SEC. 27. SHARE AND MEMBERSHIP CERTIFICATES; RECALL.—The bylaws may give the directors the power to use the reserve funds to recall, at par value, the holdings of any member in excess of the amount requisite for membership; and may also provide that if any member has failed to patronize the association during a period of time specified in the bylaws, the directors may use the reserve funds to recall all his holdings and thereupon he shall cease to be a member of the association. When so recalled, such certificates of share or membership capital shall be either reissued or canceled.

Attachment.

SEC. 28. SHARE AND MEMBERSHIP CERTIFICATES; ATTACHMENT.—The holdings of any member of an association, to the extent of the minimum amount necessary for membership, but not to exceed \$50, shall be exempt from attachment, execution, or garnishment for the debts of the owner. If any holdings in excess of this amount are subjected to such liability, the directors of the association may either admit the purchaser thereof to membership, or may purchase from him such holdings at par value.

Liability of members.

SEC. 29. LIABILITY OF MEMBERS.—Members shall not be jointly or severally liable for any debts of the association, nor shall a subscriber be so liable except to the extent of the unpaid amount on the shares or membership certificate subscribed by him. No subscriber shall be released from such liability by reason of any assignment of his interest in the shares or membership certificate, but shall remain jointly and severally liable with the assignee until the shares or certificates are fully paid up.

Expulsion.

SEC. 30. EXPULSION.—A member may be expelled by the vote of a majority of the members voting at a regular or special meeting. The member against whom the charges are to be preferred shall be informed thereof in writing at least ten days in advance of the meeting, and shall have an opportunity to be heard in person or by counsel at said meeting. On decision of the association to expel a member, the board of directors shall purchase the member's holdings at par value, if and when there are sufficient reserve funds.

ARTICLE IX—APPORTIONMENT OF NET SAVINGS

Allocation and distribution of net savings.

SEC. 31. ALLOCATION AND DISTRIBUTION OF NET SAVINGS.—At least once a year the members and/or the directors, as the articles or bylaws may provide, shall apportion the net savings of the association in the following order:

Reserve fund.

(1) Not less than 10 per centum shall be placed in a reserve fund until such time as the fund shall equal at least 50 per centum of the paid-up capital; and such fund may be used in the general conduct of the business. The amounts apportioned to the reserve fund shall be allocated on the books of the association on a patronage basis, or in lieu thereof, the books and records of the association shall afford a means for doing so, in order that upon dissolution or earlier, if deemed advisable, such reserves may be returned to the patrons who have contributed the same, subject to the limitations of section 36 herein;

(2) A return upon capital, within the limitations of section 22, may be paid upon share capital, or, if the bylaws so provide, upon the membership capital certificates of a nonshare association; but such return upon capital may be paid only out of the surplus of the aggregate of the assets over the aggregate of the liabilities (including in the latter the amount of the capital stock) after deducting from such aggregate of the assets the amount by which such aggregate was increased by unrealized appreciation in value or revaluation of fixed assets;

Return upon capital.

(3) A portion of the remainder, as determined by the articles or bylaws, shall be allocated to an educational fund to be used in teaching cooperation, and a portion may also be allocated to funds for the general welfare of the members of the association;

Allocation to special funds.

(4) The remainder shall be allocated at the same uniform rate to all patrons of the association in proportion to their individual patronage: *Provided, That*—

Allocation of remainder.

(a) in the case of a member patron, his proportionate amount of savings returns shall be distributed to him unless he agrees that the association should credit the amount to his account toward the purchase of an additional share or shares, or additional membership capital;

Proviso.
Distribution, etc., to member patrons.

(b) in the case of a subscriber patron, his proportionate amount of savings returns may, as the articles or bylaws provide, be distributed to him, or credited to his account until the amount of capital subscribed for has been fully paid;

Distribution, etc., to subscriber patrons.

(c) in the case of a nonmember patron, his proportionate amount of savings returns shall be set aside in a general fund for such patrons and shall be allocated to individual nonmember patrons only upon request and presentation of evidence of the amount of their patronage. Any savings return so allocated shall be credited to such patron toward payment of the minimum amount of share or membership capital necessary for membership. When a sum equal to this amount has accumulated at any time within a period of time specified in the bylaws, such patron shall be deemed and become a member of the association if he so agrees or requests, and complies with any provisions in the bylaws for admission to membership. The certificates of shares or membership to which he is entitled shall then be issued to him.

Allocation to non-member patrons.

(d) if within any periods of time specified in the articles or bylaws, (1) any subscriber has not accumulated and paid in the amount of capital subscribed for; or (2) any nonmember patron has not accumulated in his individual account the sum necessary for membership; or (3) any nonmember patron has accumulated the sum necessary for membership but neither requests nor agrees to become a member, or fails to comply with the provisions of the bylaws, if any, for admission to membership, then the amounts so accumulated or paid in and any part of the general fund for nonmember patrons which has not been allocated to individual nonmember patrons shall go to the educational fund and thereafter no member or other patron shall have any rights in said paid-in capital or accumulated savings returns as such: *Provided further*, That nothing in this section shall prevent an association under this Act which is engaged in rendering services from disposing of the net savings from the rendering of such services in such manner as to lower the fees charged for services or otherwise to further the common benefit of the members: *And provided further*, That nothing in this section shall prevent an association from adopting a system whereby the payment of savings returns which would otherwise be distributed, shall be deferred for a fixed period of

Disposition of funds from subscriptions, etc., not fully paid in.

Use of savings to obtain lower service fees, etc.

Deferring payments of savings returns, etc.

months or years; nor from adopting a system, whereby the savings returns distributed shall be partly in cash, partly in shares, such shares to be retired at a fixed future date, in the order of their serial number or date of issue.

ARTICLE X—BONDING; BOOKKEEPING; REPORTS

Bonding.

SEC. 32. BONDING.—Every individual acting as officer or employee of an association and handling funds or securities amounting to \$1,000 or more, in any one year, shall be covered by an adequate bond as determined by the board of directors, and at the expense of the association; and the bylaws may also provide for the bonding of other employees or officers.

Books; auditing.

SEC. 33. BOOKS; AUDITING.—To record its business operation, every association shall keep a set of books, which shall be audited at the end of each fiscal year by an experienced bookkeeper or accountant, who shall not be an officer or director. Where the annual business amounts to less than \$10,000, the audit may be performed by an auditing committee of three, who shall not be directors, officers, or employees. A written report of the audit, including a statement of the amount of business transacted with members, and the amount transacted with nonmembers, the balance sheet, and the income and expenses, shall be submitted to the annual meeting of the association.

Annual report.

SEC. 34. ANNUAL REPORT.—Every association shall annually, within sixty days of the close of its operations for that year, make a report of its condition, sworn to by the president and secretary, which report shall be filed with the recorder of deeds. The report shall state—

(a) The name and principal address of the association.

(b) The names, addresses, occupations, and date of expiration of the terms, of the officers and directors, and their compensation, if any.

(c) The amount and nature of its authorized, subscribed, and paid-in capital, the number of its shareholders, and the number admitted and withdrawn during the year, the par value of its shares and the rate at which any return upon capital has been paid. For nonshare associations the annual report shall state the total number of members, the number admitted or withdrawn during the year, and the amount of membership fees received.

(d) The receipts, expenditures, assets, and liabilities of the association.

Filing of copy.

A copy of this report shall be kept on file at the principal office of the association.

Punishment for false statement.

Any person who shall subscribe or make oath to such report containing a materially false statement, known to such person to be false, shall upon conviction of such offense be punished by a fine of not less than \$25 nor more than \$200, or by imprisonment of not less than thirty days nor more than one year, or both such fine and imprisonment.

Notice of delinquent reports; mandamus.

SEC. 35. NOTICE OF DELINQUENT REPORTS; MANDAMUS.—If an association fails to make such report within the required period of sixty days, the recorder of deeds shall within sixty days from the expiration of said period send such association a registered letter directed to its principal office, stating the delinquency and its consequences. If the association fails to file the report within sixty days from the mailing of such notice, any member of the association or the United States attorney for the District of Columbia may by petition for mandamus against the association and its proper officers compel such filing to be made, and in such case the court shall require the association or the officers at fault to pay all the expenses of the proceeding including counsel fees.

ARTICLE XI—DISSOLUTION

SEC. 36. DISSOLUTION.—An association may, at any regular or special meeting legally called, be directed to dissolve by a vote of two-thirds of the entire membership. By a vote of a majority of the members voting three of their number shall be designated as trustees, who shall, on behalf of the association and within a time fixed in their designation or within any extension thereof, liquidate its assets, and shall distribute them in the manner set forth in this section. A suit for involuntary dissolution of an association organized under this Act may be instituted for the causes and prosecuted in the manner set forth in sections 786 through 791, both inclusive, and sections 794 through 797, both inclusive, of the Act entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901: *Provided*, That any distribution of assets shall be in the manner set forth in this section. In case of any dissolution of an association, its assets shall be distributed in the following manner and order: (1) By paying its debts and expenses; (2) by returning to the members the par value of their shares or of their membership certificates, returning to the subscribers the amounts paid on their subscriptions, and returning to the patrons the amount of savings returns credited to their accounts toward the purchase of shares or membership certificates; and (3) by distributing any surplus in either or both of the following ways as the articles may provide—

(a) Among those patrons who have been members or subscribers at any time during the past six years, on the basis of their patronage during that period;

(b) As a gift to any consumers' cooperative association or other nonprofit enterprise which may be designated in the Articles.

ARTICLE XII—PENALTIES

SEC. 37. USE OF NAME "COOPERATIVE"; PENALTY.—Only (1) associations organized under this Act, (2) groups organized on a cooperative basis under any other law of the District of Columbia, and (3) foreign corporations operating on a cooperative basis and authorized to do business in the District of Columbia under this or any other law of the District of Columbia shall be entitled to use the term "cooperative", or any abbreviation or derivation thereof, as part of their business name, or to represent themselves, in their advertising or otherwise, as conducting business on a cooperative basis.

Any person, firm, or corporation violating the above provision shall upon conviction of such offense be punished by a fine of not less than \$25 nor more than \$200, with an additional fine of not more than \$200 for each month during which a violation occurs after the first month, or by imprisonment for not less than thirty days nor more than one year, or by both such fine and imprisonment. The district attorney of the United States for the District of Columbia, or any individual, or association, or group organized on a cooperative basis, may sue to enjoin an alleged violation of this section.

Should a court of competent jurisdiction decide that any person, firm, or corporation using the name "cooperative" prior to this Act, and not organized on a cooperative basis, is entitled to continue in such use, any such business shall always place immediately after its name the words "does not comply with the cooperative association law of the District of Columbia" in the same kind of type, and in letters not less than two-thirds as large, as those used in the term "cooperative".

SEC. 38. PROMOTION EXPENSES; LIMITATIONS; PENALTY.—An association shall not, directly or indirectly, use any of its funds, nor issue

Dissolution.

Involuntary dissolution.

31 Stat. 1319.
5 D. C. Code §§
409-414, 416-419.*Provido*.
Distribution of as-
sets.Use of term "cooper-
ative."Punishment for vio-
lation.Firm, etc., using
name "cooperative"
prior to this Act.Promotion expenses;
limitations; penalty.

shares nor incur any indebtedness, for the payment of any compensation for the organization of the association except necessary legal fees; nor for the payment of any promotion expenses in excess of 5 per centum of the amount paid in for the shares or membership certificates involved in the promotion transaction. Any association's officer, director, or agent who gives, or any person, firm, corporation or association which receives such promotion commission in violation of this section shall, upon conviction of such offense, be punished by a fine of not less than \$25, nor more than \$200, or by imprisonment for not less than thirty days nor more than one year, or by both such fine and imprisonment.

Spreading false reports; penalty.

SEC. 39. SPREADING FALSE REPORTS; PENALTY.—Any person, firm, corporation, or association which maliciously and knowingly spreads false reports about the management or finances of any association shall, upon conviction of such offense, be punished by a fine of not less than \$25 and not more than \$200, or by imprisonment for not less than thirty days nor more than one year, or by both such fine and imprisonment.

ARTICLE XIII—RELATION TO OTHER LAWS

Existing cooperative groups.

SEC. 40. EXISTING COOPERATIVE GROUPS.—Any group incorporated under another law of the District of Columbia and operating on a cooperative basis or any unincorporated group operating on such a basis in the District of Columbia may elect by a vote of two-thirds of the members voting to secure the benefits of and be bound by this Act, and shall thereupon amend such of its articles and bylaws as are not in conformity with this Act. A certified copy of the amended articles shall be filed and recorded with the recorder of deeds and a fee of \$5 shall be paid.

Foreign corporations and associations.

SEC. 41. FOREIGN CORPORATIONS AND ASSOCIATIONS.—A foreign corporation or association operating on a cooperative basis and complying with the applicable laws of the State wherein it is organized shall be entitled to do business in the District of Columbia as a foreign cooperative corporation or association.

Legality declared; not in restraint of trade.

SEC. 42. LEGALITY DECLARED; NOT IN RESTRAINT OF TRADE.—No association, or method or act thereof which complies with this Act, shall be deemed a conspiracy or combination in restraint of trade or an illegal monopoly, or an attempt to lessen competition or fix prices arbitrarily.

Laws not applicable.

SEC. 43. LAWS NOT APPLICABLE.—No law of the District of Columbia conflicting or inconsistent with any part of this Act shall, to the extent of the conflict or inconsistency, be construed as applicable to associations formed hereunder; nor shall any law of the District of Columbia inappropriate to the purposes of such associations be so construed; nor shall any of the provisions of sections 574 through 797, both inclusive, of the Act entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901, be construed as applicable to associations formed hereunder, except as expressly stated in this Act.

31 Stat. 1280.
5 D. C. Code; Supp.
V.

Annual license fee.

SEC. 44. TAXATION.—Associations formed hereunder, and foreign corporations and associations admitted under section 41 to do business in the District of Columbia and entitled to the benefits of section 37, shall pay an annual license fee of \$10.

Separability; constitutionality.

SEC. 45. SEPARABILITY; CONSTITUTIONALITY.—If any provision of this Act or the application thereof to any person or circumstance shall be held unconstitutional or otherwise invalid for any reason, the validity of the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 46. The Congress reserves the right to alter, amend, or repeal this Act, or any charter or certificate of incorporation made thereunder.

Right reserved.

SEC. 47. SHORT TITLE.—This Act may be cited as the "District of Columbia Cooperative Association Act".

Short title.

Approved, June 19, 1940.

[CHAPTER 398]

AN ACT

To amend an Act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective Departments.

June 19, 1940
[H. R. 7074]
[Public, No. 643]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannonballs in their respective departments", approved May 22, 1896, as amended, is amended to read as follows:

Army and Navy
condemned ordnance,
etc.

"That the Secretary of War and the Secretary of the Navy are each hereby authorized, in their discretion, to loan or give to soldiers' monument associations, posts of the Grand Army of the Republic, posts of the Veterans of Foreign Wars of the United States, posts of the American Legion, and other recognized war veteran associations, State museums, and incorporated museums operated and maintained for educational purposes only, whose charter denies them the right to operate for profit, municipal corporations, and posts of the Sons of Veterans Reserve, condemned or obsolete ordnance, guns, projectiles, books, manuscripts, works of art, drawings, plans, models, and other condemned or obsolete material which may not be needed in the service of either of said Departments.

29 Stat. 133; 45 Stat.
773.
50 U. S. C. § 67.
Loans or gifts to
certain organizations.

"Such loan or gift shall be made subject to rules and regulations covering the same in each Department, and the Government shall be at no expense in connection with any such loan or gift."

No expense to Gov-
ernment.

SEC. 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Repeal.

Approved, June 19, 1940.

[CHAPTER 399]

JOINT RESOLUTION

Authorizing the recognition of the two-hundredth anniversary of the founding of the University of Pennsylvania by Benjamin Franklin and the beginning of university education in the United States, and providing for the representation of the Government and people of the United States in the observance of the anniversary.

June 20, 1940
[S. J. Res. 214]
[Pub. Res., No. 86]

Whereas there are to be held at Philadelphia, Pennsylvania, and at other places during the year 1940 celebrations commemorating the two-hundredth anniversary of the founding of the University of Pennsylvania by Benjamin Franklin, said institution being the first university to be established in what are now the United States; and

University of Penn-
sylvania bicentennial.
Preamble.

Whereas, in accordance with resolutions of the president and fellows of the University of Pennsylvania, there will take place in Philadelphia, Pennsylvania, on the 16th, 17th, 18th, 19th, 20th, and 21st of September 1940 formal ceremonies of celebration of the bicentennial, in the presence of the governing boards, faculties, students, and alumni of the university, the delegates of other institutions, distinguished guests, and a large number of friends and benefactors; and

Whereas the Commonwealth of Pennsylvania and the city of Philadelphia will be officially represented at the ceremonies; and
Whereas the University of Pennsylvania endeavors to foster and maintain the ideals of truth and freedom so dear to Americans:
Therefore be it

Observance of anniversary.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government and people of the United States unite with the University of Pennsylvania in a fitting and appropriate observance of the two-hundredth anniversary of its founding, which marked the formal beginning of university education in the United States (Harvard, William and Mary, and Yale were founded before the University of Pennsylvania, but they were not universities until after the University of Pennsylvania became a university).

Bicentennial Commission, establishment.

SEC. 2. There is hereby established a commission to be known as the United States University of Pennsylvania Bicentennial Commission (hereinafter referred to as the Commission) to be composed of fifteen Commissioners, as follows: The President of the United States and four persons to be appointed by him, the President of the Senate and four Members of the Senate to be appointed by said President of the Senate, and the Speaker of the House of Representatives and four Members of the House to be appointed by said Speaker.

Duties.

SEC. 3. The Commission, on behalf of the United States, shall cooperate with the representatives of the University of Pennsylvania, the Commonwealth of Pennsylvania, and the city of Philadelphia in the appropriate observance of such anniversary, and shall extend appropriate courtesies to the delegates of foreign universities and other foreign learned bodies or individuals attending the celebration as guests of the University of Pennsylvania.

No compensation; chairman, "honorary chairman."

SEC. 4. The members of the Commission shall serve without compensation and shall select a chairman from among their number, but the President of the United States shall be designated as the "honorary chairman" of the Commission.

Appropriation authorized.
Post, p. 1037.

SEC. 5. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000 to be expended by the Commission for expenses, including actual and necessary traveling and subsistence expenses, incurred while discharging its functions under this joint resolution. The Commission shall have power to select, hire, and fix the compensation of such officers and employees as shall be necessary for the performance of its duties without regard to the provisions of other laws applicable to employment or compensation of officers or employees of the United States.

Vacancies.

SEC. 6. Any vacancies occurring in the membership of the Commission shall be filled by the President of the United States.

Approved, June 20, 1940.

[CHAPTER 400]

AN ACT

June 20, 1940
[S. 4026]
[Public, No. 644]

Providing for the reorganization of the Navy Department, and for other purposes.

Reorganization of the Navy Department.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following changes are hereby made in the organization of the Department of the Navy:

Designated Bureaus, etc., abolished.

(a) The Bureau of Construction and Repair, the Office of the Chief of the Bureau of Construction and Repair, the Bureau of Engineering, and the Office of the Chief of the Bureau of Engineering are hereby abolished.

(b) The functions of the Bureau of Construction and Repair and the functions of the Bureau of Engineering are hereby transferred to and consolidated under one bureau to be known as the Bureau of Ships, with a Chief of Bureau at the head thereof. The duties of the Bureau of Ships shall be assigned by the Secretary of the Navy and performed under his authority and the orders of the Chief of the Bureau of Ships shall be considered as emanating from the Secretary of the Navy, and shall have full force and effect as such.

Establishment of Bureau of Ships.
Post, pp. 876, 972.

Duties.

(c) The Chief of the Bureau of Ships shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years, from among the officers of the active list of the Navy who are specially qualified and experienced in naval engineering or naval architecture. The Chief of the Bureau of Ships shall have the same rank and shall be entitled to the same pay, allowances, and privileges of retirement as are now or may hereafter be prescribed by or in pursuance of law for other Chiefs of Bureaus in the Navy Department, and shall take precedence ahead of all other officers on duty in the Bureau of Ships.

Appointment of Chief.

Rank, etc.

(d) An officer on the active list of the Navy who is specially qualified and experienced in naval engineering or naval architecture shall be detailed as Assistant Chief of the Bureau of Ships. He shall, while so serving, have the rank of rear admiral and shall receive the highest pay and allowances of that rank: *Provided*, That if the Chief of the Bureau of Ships be specially qualified and experienced in naval engineering, the Assistant Chief of the Bureau of Ships shall be specially qualified and experienced in naval architecture; and if the Chief of the Bureau of Ships be specially qualified and experienced in naval architecture, the Assistant Chief of the Bureau of Ships shall be specially qualified and experienced in naval engineering: *Provided further*, That nothing herein shall operate to deprive the incumbents in office as the Chief of the Bureau of Construction and Repair and the Chief of the Bureau of Engineering on the effective date of this Act of the rank, pay, allowances, or retirement privileges to which they may be entitled under existing law, nor to affect the status of any officer heretofore retired from said offices.

Detail of Naval officer as Assistant Chief.

Rank, etc.

Proviso.
Qualifications.

Rank, pay, etc., of designated officers.

(e) Officers on the active list of the Navy who are specially qualified and experienced in naval engineering or naval architecture shall be detailed as heads of the major divisions in the Bureau of Ships.

Heads of major divisions.

(f) The Assistant Chief of the Bureau of Ships and then the heads of the major divisions of that Bureau shall succeed to the duties of the Chief of Bureau during his absence or disability, or in the event of a temporary vacancy in that office, in such order as may be directed by the Secretary of the Navy.

Succession to duties of Chief.

(g) All records and property (including office equipment) of the Bureau of Engineering and the Bureau of Construction and Repair, and all the personnel used in the administration and functions of such Bureaus are hereby transferred to the Bureau of Ships for use in the administration and functions transferred or provided by this Act: *Provided*, That any civilian personnel transferred by this section found by the Secretary of the Navy to be in excess of the personnel necessary for the administration of the Bureau of Ships shall be retransferred under existing law to other positions in the Government service, or separated from the service in accordance with the applicable provisions of section 10 (a) of the Reorganization Act of 1939.

Transfer of personnel, records, etc.

Proviso.
Civilian personnel in excess of number required.

53 Stat. 563.
5 U. S. O., Supp. V,
§ 1331 (a).

Transfer of designated funds.

(h) The unexpended balances of appropriations, allocations, or other funds available for use in connection with the exercise of any

function herein transferred to the Bureau of Ships shall be transferred to that Bureau for use in connection with the exercise of the functions so transferred. All funds available in the appropriations for the fiscal year 1941 under the headings "Salaries, Bureau of Construction and Repair" and "Salaries, Bureau of Engineering" shall be transferred and consolidated into one appropriation account to be entitled "Salaries, Bureau of Ships", and all funds available in the appropriations for the fiscal year 1941 under the headings "Engineering" and "Construction and Repair" shall be similarly transferred and consolidated into another appropriation account to be entitled "Maintenance, Bureau of Ships", and, further, such part of the funds available under the appropriations "Instruments and Supplies", "Maintenance, Supplies, and Accounts", and "Ordnance and Ordnance Stores" for the fiscal year 1941, as relate to the procurement of equipage, supplies, and services necessary to the maintenance and operation of vessels, and repairs to such equipage, but not including technical ordnance equipage and technical supplies, shall be transferred upon approval of the Bureau of the Budget to the appropriation "Maintenance, Bureau of Ships", provided the Secretary of the Navy shall authorize and direct the transfer of cognizance over such equipage, supplies, and services and repairs to equipage to the Bureau of Ships.

Additional duties of
Chief of Naval Oper-
ations.

SEC. 2. In addition to the duties now prescribed by law the Chief of Naval Operations shall, under the direction of the Secretary of the Navy, be charged with the coordination of the functions of the Naval Establishment afloat, together with the determination of priorities relating to repair and overhaul of ships in commission or about to be commissioned.

Under Secretary,
appointment.

SEC. 3. The President of the United States is hereby authorized, in his discretion, to appoint from civil life, by and with the advice and consent of the Senate, an Under Secretary in the Department of the Navy to serve during any national emergency declared by him to exist, including the present limited emergency. The Under Secretary of the Navy shall perform such duties as may be prescribed by the Secretary of the Navy or required by law and shall be next in succession to the Secretary of the Navy during his absence or disability or in the event of a temporary vacancy in that office. The compensation of the Under Secretary of the Navy shall be at the rate of \$10,000 per annum. The Assistant Secretary of the Navy, next after the Under Secretary of the Navy, shall hereafter succeed to the duties of the Secretary of the Navy during his absence or disability, or in the event of a temporary vacancy in that office.

Duties; succession to
duties of Secretary.

Compensation.

Assistant Secretary,
succession to duties of
Secretary.

Repeal.

SEC. 4. All laws or parts of laws so far as they are inconsistent with or in conflict with the provisions of this Act are hereby repealed.

Approved, June 20, 1940.

[CHAPTER 407]

AN ACT

June 20, 1940
[S. 3196]
[Public, No. 645]

To amend the Act approved May 24, 1938, entitled "An Act for the relief of the Comision Mixta Demarcadora de Limites Entre Colombia y Panama" and for the relief of Jose Antonio Sossa D.

Comision Mixta
Demarcadora de Li-
mites Entre Colombia
y Panama.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act for the relief of the Comision Mixta Demarcadora de Limites Entre Colombia y Panama", approved May 24, 1938 (52 Stat. 1317, ch. 271), be, and the same is hereby, amended to read as follows:

Payments to Co-
lombia and Panama.

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not

otherwise appropriated, to the Government of Colombia the sum of \$1,981.30, and to the Government of Panama the sum of \$550.25, amounting in all to \$2,531.55, in full settlement of all claims against the United States by the Government of Colombia, by the Government of Panama, and by the Comision Mixta Demarcadora de Limites Entre Colombia y Panama, an agency now dissolved, heretofore created by and functioning under and on behalf of such governments, for damages to cargo sustained and expenses incurred by said commission as a result of a collision on December 7, 1936, in the Bay of Panama between the motor launch Don Bosco, chartered by the commission, and Panama Railroad barge Numbered 205, operated by the Signal Corps, United States Army."

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jose Antonio Sossa D, owner of the motor launch Don Bosco, the sum of \$1,398.46, in full and final settlement of all claims against the United States for damages, including the cost of repairs to the hull, machinery, and other equipment of the said motor launch Don Bosco, and for other damages sustained by the said owner, resulting from and due to the same collision described in section 1 of this Act: *Provided*, That no part of the amount appropriated in this Act in excess 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 20, 1940.

Jose Antonio Sossa
D.
Payment to.

Proviso.
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 408]

AN ACT

For the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department.

June 20, 1940
[H. R. 8096]
[Public, No. 646]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of the following disbursing officers of the Army of the United States the amounts set opposite their names: Major Lester L. Boggs, Finance Department, \$148.38; Major George W. Brent, Coast Artillery Corps, \$78.50; Lieutenant Colonel Edward T. Comegys, Finance Department, \$6.08; Major Ray B. Conner, Finance Department, \$162.10; Major George W. Cooke, Finance Department, \$29.90; Lieutenant Colonel Horatio G. Coykendall, Finance Department, \$5.50; Major Frederick E. Coyne, Junior, Finance Department, \$59; Lieutenant Colonel Walter D. Dabney, Finance Department, \$17.86; Major Oliver W. DeGruchy, Finance Department, \$18.57; Captain James H. Dickie, Finance Department, \$53.74; Captain Lemuel E. Edwards, Finance Department, \$50; Lieutenant Colonel Horace G. Foster, Finance Department, \$358.75; Lieutenant Colonel Frank M. Holmes, Finance Department, \$230.75; Captain John S. Knudsen, Finance Department, \$29.39; Captain Ray H. Larkins, Finance Department, \$6; Major Charles Lewis, Finance Department, \$79.27; Lieutenant Colonel James MacKay, Finance Department, \$203.32; Captain Charles K. McAlister, Finance Department, \$30; Major Edmund W. McLarren, Finance Department, \$104.27; Lieutenant Colonel Dana W. Morey, Finance Department, \$208.34; Captain David H. Passell, Finance Reserve, \$19.96; Major

Army.
Credit in accounts
of certain disbursing
officers.

Arthur O. Walsh, Finance Department, \$158.32; Major Hugh Whitt, Finance Department, \$6; said amounts being public funds for which they are accountable and which comprise minor errors in computations of pay and allowances due former members of the Civilian Conservation Corps, enlisted men of the Regular Army, members of the Officers' Reserve Corps, members of the citizens' military training camps, civilian employees, and commercial firms or individuals from whom collection of the overpayments cannot be effected, and which amounts have been disallowed by the Comptroller General of the United States: *Provided*, That no part of these amounts shall be charged against any person or commercial firm other than the payees.

Proviso.
Accounting.

Lt. Col. Horatio G.
Coykendall.

SEC. 2. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lieutenant Colonel Horatio G. Coykendall, Finance Department, the sum of \$17.98, public funds for which he is accountable and which were paid to the Christ Overgaard Sawmill for lumber and disallowed by the Comptroller General of the United States.

Maj. Henry M.
Denning.

SEC. 3. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Major Henry M. Denning, Finance Department, the sum of \$56.68, public funds for which he is accountable, and which were stolen from the office safe of his agent officer at One Hundred and Forty-fifth Company, Civilian Conservation Corps, Plymouth, Vermont, during the night of November 30–December 1, 1937.

Capt. Seward W.
Hulse.
Payment to.

SEC. 4. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Captain Seward W. Hulse, Quartermaster Corps, the amount of \$55.44 in full satisfaction of his claim against the United States for a like amount which was paid by him for advertising for and in the interests of the United States without the prior approval of the Secretary of War as required by Revised Statutes 3828 (44 U. S. C. 324).

Capt. John S. Knud-
sen.

SEC. 5. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Captain John S. Knudsen, Finance Department, the amount of \$321.50, public funds for which he is accountable, which were paid to the Hillcrest Water Company for drinking water and disallowed by the Comptroller General of the United States.

Capt. Frederick W.
Long, Jr.
Payment to.

SEC. 6. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Captain Frederick W. Long, Junior, Infantry Reserve, the sum of \$119, in full satisfaction of his claim against the United States for a like amount which was paid by him to Captain C. R. Mize, Finance Department, finance officer, district C, Fort Oglethorpe, Georgia, as reimbursement for public funds lost when the company safe was stolen from Civilian Conservation Corps Company 4495, Tenn. TVA P-15, Harrison, Tennessee, on the night of October 31–November 1, 1938.

Maj. Arthur O.
Walsh.

SEC. 7. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Major Arthur O. Walsh, Finance Department, the amount of \$67.48, public funds for which he is accountable, which amount has been disallowed by the Comptroller General of the United States on account of failure to obtain a cash receipt for a payment made to an enlisted man now deceased.

Certain C. C. C.
payments validated.

SEC. 8. That payments heretofore made for salaries and travel expenses incident to the attendance of educational advisers, Civilian Conservation Corps, at aquatic schools for the purpose of receiving instruction in lifesaving, are hereby ratified and validated, and the Comptroller General of the United States is hereby authorized and

directed to allow credit in the accounts of disbursing officers of the Army for and on account of all such payments.

SEC. 9. That payments heretofore made for travel allowances to personnel in and under the jurisdiction of the War Department incident to the Ohio-Mississippi flood in 1937 are hereby ratified and validated, and the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of disbursing officers of the Army for and on account of all such payments: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to any person a sum equal to the amount collected from such person on account of payments which are herein validated, upon presentation of a claim therefor to the Comptroller General of the United States, who is authorized and directed to certify same to the Secretary of the Treasury for payment.

Certain Ohio-Mississippi flood payments validated.

Proriso.
Refunds.

SEC. 10. That payments heretofore made to Cornelius M. Daly (now lieutenant colonel, Cavalry) for longevity pay increases incident to his service as a cadet, United States Revenue Cutter Service, are hereby ratified and validated, and the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of disbursing officers of the Army for and on account of all such payments.

Lt. Col. Cornelius M. Daly.
Longevity pay increases validated.

SEC. 11. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the administrator of the estate of Captain Bigelow B. Barbee, Finance Department, the amount of \$191.73, which amount represents overpayments due to minor errors of computation of pay and allowances due former enrollees of the Civilian Conservation Corps, and was deducted by the Comptroller General of the United States from the amount authorized to be paid to the estate of Captain Barbee by the Act of June 22, 1938 (52 Stat. 1373): *Provided*, That no part of this amount shall be charged against any person other than the person erroneously paid.

Capt. Bigelow B. Barbee.
Payment to estate of.

Proriso.
Accounting.

SEC. 12. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lieutenant Colonel Walter D. Dabney, Finance Department, the amount of \$30.25, public funds for which he is accountable, which were paid to a former enrollee for final pay, and to a civilian employee for travel allowances, and disallowed by the Comptroller General of the United States.

Lt. Col. Walter D. Dabney.

Approved, June 20, 1940.

[CHAPTER 409]

AN ACT

To provide for the alteration of certain bridges over navigable waters of the United States, for the apportionment of the cost of such alterations between the United States and the owners of such bridges, and for other purposes.

June 21, 1940
[H. R. 9381]
[Public, No. 647]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DEFINITIONS

SECTION 1. When used in this Act, unless the context indicates otherwise—

Alteration of certain bridges, etc.
Definitions.

The term "alteration" includes changes of any kind, reconstruction, or removal in whole or in part.

The term "bridge" means a lawful bridge over navigable waters of the United States, including approaches, fenders and appurtenances

thereto, used and operated for the purpose of carrying railroad traffic, or both railroad and highway traffic.

The term "bridge owner" means any corporation, association, partnership, or individual owning any bridge, and, when any bridge shall be in the possession or under the control of any trustee, receiver, trustee in bankruptcy, or lessee, said term shall include both the owner of the legal title and the person or entity in possession or control of such bridge.

The term "bridge owner" shall also mean and include all joint owners, particularly States, counties, municipalities, or other participants in ownership of bridges for both railroad and highway traffic.

The term "Secretary" means the Secretary of War acting directly or through the Chief of Engineers.

The term "United States", when used in a geographical sense, includes the Territories and possessions of the United States.

OBSTRUCTION OF NAVIGATION

Obstruction of navigation.

SEC. 2. No bridge shall at any time unreasonably obstruct the free navigation of any navigable waters of the United States.

NOTICE, HEARINGS, AND FINDINGS

Notice, hearings, and findings.

SEC. 3. Whenever any bridge shall, in the opinion of the Secretary, at any time unreasonably obstruct such navigation, it shall be the duty of the Secretary, after notice to interested parties, to hold a hearing at which the bridge owner, those interested in water navigation thereunder or therethrough, those interested in either railroad or highway traffic thereover, and any other party or parties in interest shall have full opportunity to offer evidence and be heard as to whether any alteration of such bridge is needed, and if so what alterations are needed, having due regard to the necessity of free and unobstructed water navigation and to the necessities of the rail or highway traffic. If, upon such hearing, the Secretary determines that any alterations of such bridge are necessary in order to render navigation through or under it reasonably free, easy, and unobstructed, having due regard also for the necessities of rail or highway traffic thereover, he shall so find and shall issue and cause to be served upon interested parties an order requiring such alterations of such bridge as he finds to be reasonably necessary for the purposes of navigation.

SUBMISSION AND APPROVAL OF GENERAL PLANS AND SPECIFICATIONS

Plans, etc., showing alterations.

Rejection or approval.

SEC. 4. It shall be the duty of the bridge owner to prepare and submit to the Secretary, within ninety days after service of his order, general plans and specifications to provide for the alteration of such bridge in accordance with such order, and for such additional alteration of such bridge as the bridge owner may desire to meet the necessities of railroad or highway traffic, or both. The Secretary may approve or reject such general plans and specifications, in whole or in part, and may require the submission of new or additional plans and specifications, but when the Secretary shall have approved general plans and specifications, they shall be final and binding upon all parties unless changes therein be afterward approved by the Secretary and the bridge owner.

CONTRACTS FOR PROJECT; GUARANTY OF COST

Bids.

SEC. 5. After approval of such general plans and specifications by the Secretary, and within ninety days after notification of such

approval, the bridge owner shall, in such manner as the Secretary may prescribe, take bids for the alteration of such bridge in accordance with such general plans and specifications. All bids, including any bid for all or part of the project submitted by the bridge owner, shall be submitted to the Secretary, together with a recommendation by the bridge owner as to the most competent bid or bids, and at the same time the bridge owner shall submit to the Secretary a written guaranty that the total cost of the project, including the cost of such work as is to be performed by the bridge owner and not included in the work to be performed by contract, shall not exceed the sum stated in said guaranty. The Secretary may direct the bridge owner to reject all bids and to take new bids, or may authorize the bridge owner to proceed with the project, by contract, or partly by contract and partly by the bridge owner, or wholly by the bridge owner. Upon such authorization and fixing of the proportionate shares of the cost as provided in section 6, the bridge owner shall, within a reasonable time to be prescribed by the Secretary, proceed with the work of alteration; and the cost thereof shall be borne by the United States and by the bridge owner, as hereinafter provided.

Recommendation of owner.

Written guaranty of cost.

Rejection, etc.

Commencement of work.

APPORTIONMENT OF COST

SEC. 6. At the time the Secretary shall authorize the bridge owner to proceed with the project, as provided in section 5, and after an opportunity to the bridge owner to be heard thereon, the Secretary shall determine and issue an order specifying the proportionate shares of the total cost of the project to be borne by the United States and by the bridge owner. Such apportionment shall be made on the following basis: The bridge owner shall bear such part of the cost as is attributable to the direct and special benefits which will accrue to the bridge owner as a result of the alteration, including the expectable savings in repair or maintenance costs; and that part of the cost attributable to the requirements of traffic by railroad or highway, or both, including any expenditure for increased carrying capacity of the bridge, and including such proportion of the actual capital cost of the old bridge or of such part of the old bridge as may be altered or changed or rebuilt, as the used service life of the whole or a part, as the case may be, bears to the total estimated service life of the whole or such part: *Provided*, That the part of the cost of alteration of any bridge for both highway and railroad traffic, attributable to the requirements of traffic by highway, shall be borne by the proprietor of the highway: *Provided further*, That in the event the alteration or relocation of any bridge may be desirable for the reason that the bridge unreasonably obstructs navigation, but also for some other reason, the Secretary may require equitable contribution from any interested person, firm, association, corporation, municipality, county, or State desiring such alteration or relocation for such other reason, as a condition precedent to the making of an order for such alteration or relocation. The United States shall bear the balance of the cost, including that part attributable to the necessities of navigation.

Determination and issuance of order.

Basis for apportionment.
Bridge owner.

Provisos.
Proprietor of highway.

Contributions from interested persons, etc.

United States to bear balance of cost.

PAYMENT OF SHARE OF THE UNITED STATES

SEC. 7. When the Secretary shall have approved the general plans and specifications for the alteration of such bridge and the guaranty with respect to the cost thereof, and shall have fixed the proportionate shares thereof as between the United States and the bridge owner, he shall furnish to the Secretary of the Treasury a certified copy of his approval of such plans and specifications and guaranty,

Setting aside of U. S. share by Secretary of Treasury.

and of his order fixing the proportionate shares of the United States and of the bridge owner, and the Secretary of the Treasury shall thereupon set aside, out of any appropriation available for such purpose, the share of the United States payable under this Act on account of the project. When the Secretary finds that such project has been completed in accordance with his order, he shall cause to be paid to the bridge owner, out of the funds so set aside, the proportionate share of the total cost of the project allocated to the United States; or he may, in his discretion, from time to time, cause payments to be made on such construction costs as the work progresses. The total payments out of Federal funds shall not exceed the proportionate share of the United States of the total cost of the project paid or incurred by the bridge owner, and, if such total cost exceeds the cost guaranteed by the bridge owner, shall not exceed the proportionate share of the United States of such guaranteed cost, except that if the cost of the work exceeds the guaranteed cost by reason of emergencies, conditions beyond the control of the owner, or unforeseen or undetermined conditions, the Secretary may, after full review of all the circumstances, provide for additional payments by the United States to help defray such excess cost to the extent he deems to be reasonable and proper, and shall certify such additional payments to the Secretary of the Treasury for payment. All payments to any bridge owner herein provided for shall be made by the Secretary of the Treasury through the Division of Disbursement upon certifications of the Secretary of War.

Payment upon completion.

Payments as work progresses.

Limitation on U. S. payments.

Exception.

Payments to bridge owner, requirements.

APPROPRIATION AUTHORIZED

Appropriation authorized.
Post, p. 1047.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

FAILURE TO COMPLY WITH ORDERS; PENALTIES; REMOVAL OF BRIDGE

Punishment for noncompliance with order.

Removal of bridge at owner's expense.

Suit for such expense.

Removal enforceable by injunction, etc.

SEC. 9. Any bridge owner who shall willfully fail or refuse to comply with any lawful order of the Secretary, made in accordance with the provisions of this Act, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished in any court of competent jurisdiction by a fine not exceeding \$5,000, and every month such bridge owner shall remain in default shall be deemed a new offense and subject such bridge owner to additional penalties therefor. In addition to the penalties above prescribed the Secretary may, upon the failure or refusal of any bridge owner to comply with any lawful order issued by the Secretary in regard thereto, cause the removal of any such bridge and accessory works at the expense of the bridge owner; and suit for such expense may be brought in the name of the United States against such bridge owner and recovery had for such expense in any court of competent jurisdiction. The removal of any bridge erected or maintained in violation of the provisions of this Act or the order or direction of the Secretary made in pursuance thereof, and compliance with any order of the Secretary made with respect to any bridge in accordance with the provisions of this Act, may be enforced by injunction, mandamus, or other summary process upon application to the district court of any district in which such bridge may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States at the request of the Secretary.

REVIEW OF FINDINGS AND ORDERS

SEC. 10. Any order made or issued under section 6 of this Act may be reviewed by the circuit court of appeals for any judicial circuit in which the bridge in question is wholly or partly located, if a petition for such review is filed within three months after the date such order is issued. The judgment of any such court shall be final except that it shall be subject to review by the Supreme Court of the United States upon certification or certiorari, in the manner provided in sections 239 and 240 of the Judicial Code, as amended. The review by such Court shall be limited to questions of law, and the findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. Upon such review, such Court shall have power to affirm or, if the order is not in accordance with law, to modify or to reverse the order, with or without remanding the case for a rehearing as justice may require. Proceedings under this section shall not operate as a stay of any order of the Secretary issued under provisions of this Act other than section 6, or relieve any bridge owner of any liability or penalty under such provisions.

Review of order.
By circuit court of appeals.

By U. S. Supreme Court.

28 U. S. C. §§ 346, 347; Supp. V, § 347.
Limitation.

Power of Court.

REGULATIONS AND ORDERS

SEC. 11. The Secretary is authorized to prescribe such rules and regulations, and to make and issue such orders, as may be necessary or appropriate for carrying out the provisions of this Act.

Regulations and orders.

EXISTING PROVISIONS OF LAW

SEC. 12. (a) The first sentence of section 4 of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906 (U. S. C., 1934 edition, title 33, sec. 494), and section 18 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1899 (U. S. C., 1934 edition, title 33, sec. 502), shall be inapplicable with respect to any bridge to which the provisions of this Act are applicable, except to the extent provided in this section.

Inapplicability of certain Acts.

34 Stat. 85.

30 Stat. 1153.

(b) Any bridge, the construction, reconstruction, or alteration of which was required by an order of the Secretary issued prior to July 1, 1939, and was not completed on such date, and in the case of which no penalties have accrued at the time of the enactment of this Act, shall be constructed, reconstructed, or altered as required by such order, and not in accordance with the provisions of this Act. In the case of any such bridge, however, the Secretary shall apportion the cost of the project between the bridge owner and the United States, and payment of the share of the United States shall be made, in the same manner as if the provisions of this Act applied to such construction, reconstruction, or alteration, subject to the following limitations:

Construction, etc., not completed on July 1, 1939.

Apportionment of cost.

Limitations.

Construction, etc., not begun on or before April 1, 1940.

(1) In case such construction, reconstruction, or alteration has not begun on or before April 1, 1940, such apportionment of cost shall be made only if (A) the construction, reconstruction, or alteration is carried out in accordance with plans and specifications, and pursuant to bids, approved by the Secretary, and (B) the bridge owner has submitted to the Secretary a written guaranty of cost as provided for in section 5.

Determination as to apportionment, etc.

(2) The Secretary's determination as to such apportionment, and as to such plans and specifications and bids, shall be final.

(3) Such apportionment shall not be made if such construction, reconstruction, or alteration is not completed within the time fixed in

Restriction.

such order of the Secretary or within such additional time as the Secretary, for good cause shown, may allow.

Construction, etc.,
not begun prior to
July 1, 1939; exception.

(c) Any bridge (except a bridge to which subsection (b) applies) the construction, reconstruction, or alteration of which was required by an order of the Secretary issued prior to July 1, 1939, and was not begun before such date, shall be subject to the provisions of this Act as though such order had not been issued, and compliance with the provisions of this Act and with such orders as may be issued thereunder shall be considered to constitute compliance with such order issued prior to July 1, 1939, and with the provisions of law under which it was issued.

RELOCATION OF BRIDGES

Relocation, etc., of
railroad bridge.

Apportionment of
cost.

Proviso.
Restriction on pay-
ments by U. S.

SEC. 13. If the owner of any bridge used for railroad traffic and the Secretary shall agree that in order to remove an obstruction to navigation, or for any other purpose, a relocation of such bridge or the construction of a new bridge upon a new location would be preferable to an alteration of the existing bridge, such relocation or new construction may be carried out at such new site and upon such terms as may be acceptable to the bridge owner and the Secretary, and the cost of such relocation or new construction, including also any expense of changes in and additions to rights-of-way, stations, tracks, spurs, sidings, switches, signals, and other railroad facilities and property, and relocation of shippers required for railroad connection with the bridge at the new site, shall be apportioned as between the bridge owner and the United States in the manner which is provided for in section 6 hereof in the case of an alteration and the share of the United States paid from the appropriation authorized in section 8 hereof: *Provided*, That nothing in this section shall be construed as requiring the United States to pay any part of the expense of building any bridge across a navigable stream which the Secretary of War shall not find to be, in fact, a relocation of an existing bridge.

WM B. BANKHEAD

Speaker of the House of Representatives.

JNO N GARNER

Vice President of the United States and

President of the Senate.

IN THE HOUSE OF REPRESENTATIVES, U. S.,

June 19, 1940.

Certificate of House
of Representatives.

The House of Representatives having proceeded to reconsider the bill (H. R. 9381) entitled "An Act to provide for the alteration of certain bridges over navigable waters of the United States, for the apportionment of the cost of such alterations between the United States and the owners of such bridges, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

SOUTH TRIMBLE

Clerk.

Certificate of origin.

I certify that this Act originated in the House of Representatives.

SOUTH TRIMBLE

Clerk.

IN THE SENATE OF THE UNITED STATES,

June 21, 1940.

The Senate having proceeded to reconsider the bill (H. R. 9381) entitled "An Act to provide for the alteration of certain bridges over navigable waters of the United States, for the apportionment of the cost of such alterations between the United States and the owners of such bridges, and for other purposes", returned by the President of the United States to the House of Representatives, in which it originated, with his objections, and passed by the House on a reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

EDWIN A. HALSEY

Secretary.

Certificate of Senate.

[CHAPTER 410]

AN ACT

Authorizing a grant to the city of Fargo, North Dakota, of an easement in connection with the construction of water and sewer systems.

June 24, 1940

[S. 2059]

[Public, No. 648]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of the Civil Aeronautics Authority is authorized and directed to grant to the city of Fargo, North Dakota, a permanent easement authorizing such city to construct and maintain a system of interceptor or trunk sewer lines and water mains under the west sixty feet of a tract of land owned by the United States and located north of such city of Fargo, in Cass County, North Dakota, such tract of land being now used as the site of an airways radio and range station and is more specifically described as follows: Beginning at the northwest corner southeast quarter of section 30, township 140 north, range 48 west, fifth principal meridian; thence north along the north and south quarter line seventy-five feet to a point; thence east parallel to the east and west quarter line eight hundred and eighty feet to a point; thence south seven hundred and twenty feet to a point; thence west parallel to the east and west quarter line eight hundred and eighty feet to a point on the north and south quarter line; thence north along the north and south quarter line six hundred and forty-five feet to the point of beginning, containing fourteen and fifty-five one-hundredths acres, more or less. The easement authorized to be granted by this Act shall be in lieu of the license revocable at the will of the Secretary of Commerce, granted to such city by a certain instrument dated December 20, 1934, and executed by Ewing Y. Mitchell, Assistant Secretary of Commerce, as amended by a certain instrument dated March 12, 1935, and executed by the said Ewing Y. Mitchell.

Sec. 2. Such easement shall be granted subject to the following condition:

(1) The grantee shall not use any machines or erect any temporary structures on said land that will extend more than ten feet above the surface of the immediately surrounding area without permission of the operator in charge of the station or erect any permanent structures above the ground;

(2) None of the operations of the city in the exercise of any of the privileges granted by this easement shall interfere in any way with any wires, cables, conduits, pipes, sewers, or other structures of any kind or character now installed in or across such tract or hereafter installed in such tract by the Government or by any subsequent owner of any part of the tract;

Fargo, N. Dak.
Granting of easement under certain U. S. land.

Description.

Easement to be in lieu of license.

Conditions.

Restriction on machines and height of structures.

No interference with installed wires, etc.

Excavations.

(3) The grantee shall not make any excavations that will prevent or at any time unduly impede ingress and egress to the rest of the tract and, upon making any excavations, shall promptly restore the soil and surface of the land to its former condition;

Air navigation facilities.

(4) Such other reasonable conditions as the Administrator in the Civil Aeronautics Authority may deem desirable for the purpose of preventing interference with the operation and maintenance of the air navigation facilities now or hereafter located upon such tract of land.

Approved, June 24, 1940.

[CHAPTER 411]

AN ACT

June 24, 1940
[S. 2611]
[Public, No. 649]

Authorizing the purchase of a site and the erection of a building in the State of Massachusetts for use as a radio-monitoring station, and for other purposes.

Massachusetts.
Purchase of site, etc.,
for radio-monitoring
station.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Communications Commission be, and it is hereby, authorized to purchase for the United States a suitable site in the State of Massachusetts, provided a suitable site now owned by the Government is not available for the purpose, and cause to be erected thereon, according to plans and specifications to be approved by it, a suitable building or buildings, for use as a radio-monitoring station, or to modify or reconstruct existing buildings or facilities on such site for such purpose, and to provide the necessary associated antenna systems, roadways, power, water, and sanitary facilities, including the construction and installation of goniometric apparatus and including necessary outfits, apparatus, and equipment at a total cost of said site, buildings, and equipment of not to exceed \$30,000.

Approved, June 24, 1940.

[CHAPTER 412]

AN ACT

June 24, 1940
[S. 2983]
[Public, No. 650]

To authorize the sale of lumber and other forest products obtained from the forests on Indian reservations by Indian enterprises.

Indian reservations.
Sale of lumber, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lumber and other forest products produced by Indian enterprises from the forests on Indian reservations may be sold under such regulations as the Secretary of the Interior may prescribe, without compliance with section 3709 of the Revised Statutes.

Approved, June 24, 1940.

41 U. S. C. § 5.

[CHAPTER 413]

AN ACT

June 24, 1940
[S. 2984]
[Public, No. 651]

Authorizing the transfer of title of the Hayward Indian School to the State of Wisconsin.

Hayward Indian
School, Hayward,
Wis.
Transfer of title to
State.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to transfer to the State of Wisconsin, upon such terms and in such manner as may be mutually agreed upon, for institutional or other public use, title to all or any part of the property known and designated as the Hayward Indian School, located at Hayward, Wisconsin.

Approved, June 24, 1940.

[CHAPTER 414]

AN ACT

To provide for the local delivery rate on certain first-class mail matter.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in section 1001 of the Revenue Act of 1932 (relating to postal rates) is amended to read as follows: "*Provided*, That such additional rate shall not apply to first-class matter mailed for local delivery or for delivery wholly within a county the population of which exceeds one million, provided said county is entirely within a corporate city".

Approved, June 24, 1940.

June 24, 1940
[S. 3667]
[Public, No. 652]

Revenue Act of 1932,
amendment.
48 Stat. 254, § 3.
39 U. S. C., § 280
(note); Supp. V, § 280
(note).
Proviso.
Additional postal
rate, restriction.

[CHAPTER 415]

AN ACT

Making appropriations for the fiscal year ending June 30, 1941, for civil functions administered by the War Department, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1941, for civil functions administered by the War Department, and for other purposes, namely:

June 24, 1940
[H. R. 8668]
[Public, No. 653]

War Department
Civil Appropriation
Act, 1941.
Post, p. 971.

QUARTERMASTER CORPS

CEMETERIAL EXPENSES

For maintaining and improving national cemeteries, including fuel for and pay of superintendents and the superintendent at Mexico City, and other employees; purchase of land; purchase of tools and materials; purchase and exchange of two passenger-carrying motor vehicles; repair, maintenance, and operation of passenger-carrying motor vehicles; care and maintenance of the Arlington Memorial Amphitheater, chapel, and grounds in the Arlington National Cemetery, and that portion of Congressional Cemetery to which the United States has title and the graves of those buried therein, including Confederate graves, and including the burial site of Pushmataha, a Choctaw Indian chief; repair to roadways but not to more than a single approach road to any national cemetery constructed under special Act of Congress; headstones for unmarked graves of soldiers, sailors, and marines under the Acts approved March 3, 1873 (24 U. S. C. 279), February 3, 1879 (24 U. S. C. 280), March 9, 1906 (34 Stat. 56), March 14, 1914 (38 Stat. 768), and February 26, 1929 (24 U. S. C. 280a), and civilians interred in post cemeteries; recovery of bodies and disposition of remains of military personnel and civilian employees of the Army under Act approved March 9, 1928 (10 U. S. C. 916); travel allowances of attendants accompanying remains of military personnel and civilian employees; for repairs and preservation of monuments, tablets, roads, fences, and so forth, made and constructed by the United States in Cuba and China to mark the places where American soldiers fell; care, protection, and maintenance of the Confederate Mound in Oakwood Cemetery at Chicago, the Confederate Stockade Cemetery at Johnstons Island, the Confederate burial plats owned by the United States in Confederate Cemetery at North Alton, the Confederate Cemetery, Camp Chase, at Columbus, the Confederate Cemetery at Point Lookout, and the Confederate Cemetery at Rock Island; and for care and maintenance of

Maintenance, etc.,
of national cemeteries.
Post, pp. 601, 971.

Arlington National
Cemetery.

Portion of Congress-
sional Cemetery.

Headstones.
17 Stat. 545; 20 Stat.
281; 45 Stat. 1307.

Recovery of bodies,
etc.

45 Stat. 251.
10 U. S. C., Supp.
V, § 916.

Confederate ceme-
teries, etc.

Provisos.
Encroachment prohibited.

Restriction on roadway repairs.

Conveyance to State, etc., of certain roads.

Provisos.
Conditions.

Transfer of jurisdiction.

graves used by the Army for burials in commercial cemeteries, \$1,458,281: *Provided*, That no railroad shall be permitted upon any right-of-way which may have been acquired by the United States leading to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States: *Provided further*, That no part of this appropriation shall be used for repairing any roadway not owned by the United States within the corporate limits of any city, town, or village.

The Secretary of War is authorized to convey to any State, county, municipality, or proper agency thereof, in which the same is located, all the right, title, and interest of the United States in and to any Government owned or controlled approach road to any national cemetery: *Provided*, That prior to the delivery of any instrument of conveyance hereunder, the State, county, municipality, or agency to which the conveyance herein authorized is to be made, shall notify the Secretary of War in writing of its willingness to accept and maintain the road included in such conveyance: *Provided further*, That upon the execution and delivery of any conveyance herein authorized, the jurisdiction of the United States of America over the road conveyed, shall cease and determine and shall thereafter vest in the State in which said road is located.

SIGNAL CORPS

ALASKA COMMUNICATION SYSTEM

Maintenance, etc.

For operation, maintenance, and improvement of the Alaska Communication System, including travel allowances and travel in kind as authorized by law, and operation and maintenance of passenger-carrying vehicles, \$197,992, to be derived from the receipts of the Alaska Communication System which have been covered into the Treasury of the United States, and to remain available until the close of the fiscal year 1942: *Provided*, That the Secretary of War shall report to Congress the extent and cost of any extensions and betterments which may be effected under this appropriation.

Proviso.
Report to Congress.

CORPS OF ENGINEERS

RIVERS AND HARBORS AND FLOOD CONTROL

To be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, and to remain available until expended:

RIVERS AND HARBORS

Maintenance of existing works, etc.
Post, pp. 1046, 1198.

Surveys, etc.

California Débris Commission.
27 Stat. 507.
33 U. S. C., Supp. V, § 683.

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation; for survey of northern and northwestern lakes and other boundary and connecting waters as heretofore authorized, including the preparation, correction, printing, and issuing of charts and bulletins and the investigation of lake levels; for prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City; for expenses of the California Débris Commission in carrying on the work authorized by the Act approved March 1, 1893, as amended (33 U. S. C. 661, 678, and 683); for removing sunken vessels or craft obstructing or endangering navigation as authorized by law; for operating and maintaining, keeping in repair, and continuing in use without interruption any lock, canal (except the

Panama Canal), canalized river, or other public works for the use and benefit of navigation belonging to the United States, including maintenance of the Hennepin Canal in Illinois; for payment annually of tuition fees of not to exceed fifty student officers of the Corps of Engineers at civil technical institutions under the provisions of section 127a of the National Defense Act, as amended (10 U. S. C. 535); for examinations, surveys, and contingencies of rivers and harbors; for printing and binding, newspapers, lawbooks, books of reference, periodicals, and office supplies and equipment required in the Office of the Chief of Engineers to carry out the purposes of this appropriation, including such printing as may be authorized by the Committee on Printing of the House of Representatives, either during a recess or session of Congress, of surveys authorized by law, and such surveys as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress, and for the purchase (not to exceed \$197,700) of motor-propelled passenger-carrying vehicles and motorboats, for official use: *Provided*, That no part of this appropriation shall be expended for any preliminary examination, survey, project, or estimate not authorized by law, \$67,365,310: *Provided*, That from this appropriation the Secretary of War may, in his discretion and on the recommendation of the Chief of Engineers based on the recommendation by the Board of Rivers and Harbors in the review of a report or reports authorized by law, expend such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality, or other public agency, outside of harbor lines and serving essential needs of general commerce and navigation, such work to be subject to the conditions recommended by the Chief of Engineers in his report or reports thereon: *Provided further*, That no appropriation under the Corps of Engineers for the fiscal year 1941 shall be available for any expenses incident to operating any power-driven boat or vessel on other than Government business: *Provided further*, That not to exceed \$3,000 of the amount herein appropriated shall be available for the support and maintenance of the Permanent International Commission of the Congresses of Navigation and for the payment of the actual expenses of the properly accredited delegates of the United States to the meeting of the congresses and of the commission.

Student officers at civil technical institutions.

41 Stat. 735.

Printing and binding.

Provisos.
Unauthorized surveys, etc.
Maintenance of harbor channels.

Power-driven boats.

Permanent International Commission of the Congresses of Navigation.

FLOOD CONTROL

Flood control, general: For the construction and maintenance of certain public works on rivers and harbors for flood control, and for other purposes, in accordance with the provisions of the Flood Control Act, approved June 22, 1936, as amended and supplemented, including printing and binding, newspapers, law books, books of reference, periodicals, and office supplies and equipment required in the Office of the Chief of Engineers to carry out the purposes of this appropriation, the purchase (not to exceed \$59,625) of motor-propelled passenger-carrying vehicles and motorboats for official use, and for preliminary examinations and surveys of flood-control projects authorized by law, \$70,000,000, of which not to exceed \$58,125,780 shall be available for expenditure upon projects on account of which allotments heretofore have been made: *Provided*, That \$2,000,000 of this appropriation shall be transferred and made available to the Secretary of Agriculture for preliminary examinations and surveys, as authorized by law, for run-off and water-flow retardation and soil-erosion prevention on the watersheds of flood-control projects, including the employment of persons in the District of Columbia and else-

Flood control, general.
Post, p. 1046.

49 Stat. 1570.
33 U. S. C., Supp.
V, §§ 701a-707.

Provisos.
Surveys for soil-erosion prevention, etc., on flood-control projects.

Salmon River,
Alaska.

Plans, etc., flood-
control projects.

52 Stat. 1216.
33 U. S. C., Supp.
V, § 701f (note).
Expenditure of
funds.

North Little Rock,
Ark.

49 Stat. 1570.
33 U. S. C., Supp.
V, §§ 701a-707.

Mississippi River
and tributaries.

45 Stat. 534; 49 Stat.
1508.
33 U. S. C., Supp.
V, § 702a-1.

Emergency fund,
tributaries of Missis-
sippi River.

49 Stat. 1511.
33 U. S. C., Supp.
V, § 702g-1.

Sacramento River,
Calif.

39 Stat. 949; 45 Stat. 539.

Proviso.
John Martin Reser-
voir Project.

49 Stat. 1570.
33 U. S. C., Supp.
V, §§ 701a-707.

where, purchase of books and periodicals, printing and binding, rent in the District of Columbia, the purchase (not to exceed \$35,000) of motor-propelled passenger-carrying vehicles and motorboats, and for other necessary expenses: *Provided further*, That funds appropriated herein may be used for flood-control work on the Salmon River, Alaska, as authorized by law: *Provided further*, That funds appropriated herein may be used to execute detailed surveys, prepare plans and specifications, and to procure options on land and property necessary for the construction of authorized flood-control projects or for flood-control projects considered for selection in accordance with the provisions of section 4 of the Flood Control Act approved June 28, 1938: *Provided further*, That the expenditure of funds for completing the necessary surveys and securing options shall not be construed as a commitment of the Government to the construction of any project: *Provided further*, That the flood-control project at North Little Rock, in Pulaski County, Arkansas, authorized by the Flood Control Act approved June 22, 1936, shall be constructed in accordance with the revised plans and cost estimates now in the Office of the Chief of Engineers.

Flood control, Mississippi River and tributaries: For prosecuting work of flood control in accordance with the provisions of the Flood Control Act approved May 15, 1928, as amended (33 U. S. C. 702a), including printing and binding, newspapers, lawbooks, books of reference, periodicals, and office supplies and equipment required in the office of the Chief of Engineers to carry out the purposes of this appropriation, and for the purchase (not to exceed \$40,425) of motor-propelled passenger-carrying vehicles and motorboats for official use, \$30,000,000.

Emergency fund for flood control on tributaries of Mississippi River: For rescue work and for repair or maintenance of any flood-control work on any tributaries of the Mississippi River threatened or destroyed by flood, in accordance with section 9 of the Flood Control Act, approved June 15, 1936 (49 Stat. 1508), \$800,000.

Flood control, Sacramento River, California: For prosecuting work of flood control, Sacramento River, California, in accordance with the provisions of Acts approved March 1, 1917, May 15, 1928, and August 26, 1937 (33 U. S. C. 703, 704; 50 Stat. 849), \$1,242,000: *Provided*, That from and after the approval of this Act, the Caddoa Reservoir project for flood control and water conservation in Colorado and Kansas, authorized by the Flood Control Act approved June 22, 1936, shall be known and designated on the public records as the John Martin Reservoir Project and that the change in the name of such project shall in no wise affect the rights of the State of Colorado or the State of Kansas or any county, municipality, corporation, association, or person, and all records, surveys, maps, and public documents of the United States or of either of said States in which such project is mentioned or referred to under any other name than the John Martin Reservoir Project shall be held to refer to such project under and by the name of John Martin Reservoir Project.

HYDROELECTRIC POWER

Fort Peck Dam,
Mont.

16 U. S. C., Supp.
V, §§ 833-833k.

Bonneville Dam,
Oreg.
Post, p. 1047.

Power plant, Fort Peck Dam, Montana: For continuing the construction of the hydroelectric power plant at Fort Peck Dam, Montana, as authorized by the Act approved May 18, 1938 (52 Stat. 403), \$2,000,000.

Power plant, Bonneville Dam, Columbia River, Oregon: For continuing the construction of the hydroelectric power plant at Bonne-

ville Dam, Columbia River, Oregon, as authorized by the Acts approved August 30, 1935 (49 Stat. 1038), and August 20, 1937 (50 Stat. 731), \$3,400,000.

16 U. S. C., Supp. V, §§ 832-832i.

SURVEYS AND MAPPING

For topographic surveys and mapping as proposed in Senate Document Numbered 54, Seventy-sixth Congress, first session, to be transferred to the Department of the Interior, Geological Survey, and to be applied to the same objects (but not limited to the amounts specified for such objects) authorized in the Interior Department Appropriation Act for the fiscal year ending June 30, 1941, in the first paragraph under the heading "Geological Survey" and in the subitem for "Topographic Surveys", and to the employment of personal services (not to exceed \$30,400) in the District of Columbia, the purchase of office equipment for use in the District of Columbia, field and office stationery, and engraving and printing maps, \$1,210,350, to remain available until June 30, 1942: *Provided*, That this appropriation shall be devoted to mapping in strategic areas, in accordance with priorities to be determined by the Secretary of War.

Topographic surveys, etc.

Ante, p. 439.

Proviso.
Mapping in strategic areas.

UNITED STATES SOLDIERS' HOME

For maintenance and operation of the United States Soldiers' Home, to be paid from the Soldiers' Home Permanent Fund, \$796,013.

Maintenance, etc.

THE PANAMA CANAL

For every expenditure requisite for and incident to the maintenance and operation, sanitation, and civil government of the Panama Canal and Canal Zone, and construction of additional facilities, including the following: Compensation of all officials and employees; foreign and domestic newspapers and periodicals; lawbooks; textbooks and books of reference; printing and binding, including printing of annual report; rent and personal services in the District of Columbia; purchase or exchange of typewriting, adding, and other machines; purchase or exchange, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles; claims for damages to vessels passing through the locks of the Panama Canal, as authorized by the Panama Canal Act; claims for losses of or damages to property arising from the conduct of authorized business operations; claims for damages to property arising from the maintenance and operation, sanitation, and civil government of the Panama Canal, and construction of additional facilities; acquisition of land and land under water, as authorized in the Panama Canal Act; expenses incurred in assembling, assorting, storing, repairing, and selling material, machinery, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal which are unserviceable or no longer needed, to be reimbursed from the proceeds of such sale; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus; expenses incident to any emergency arising because of calamity by flood, fire, pestilence, or like character not foreseen or otherwise provided for herein; travel expenses, when prescribed by the Governor of the Panama Canal to persons engaged in field work or traveling on official business; not to exceed \$2,000 for travel and subsistence expenses of members of the police and fire forces of the Panama Canal incident to their special training in the United States;

Maintenance, etc., expenses.

Printing and binding.

Damage claims.

Acquisition of land.

Emergencies.

Purchase, etc., of buildings.	transportation, including insurance, of public funds and securities between the United States and the Canal Zone; purchase, construction, repair, replacement, alteration, or enlargement of buildings, structures, equipment, and other improvements; and for such other expenses not in the United States as the Governor of the Panama Canal may deem necessary best to promote the maintenance and operation, sanitation, and civil government of the Panama Canal, and construction of additional facilities, all to be expended under the direction of the Governor of the Panama Canal and accounted for as follows:
Accounting.	
Maintenance and operation.	For maintenance and operation of the Panama Canal: Salary of the Governor, \$10,000; contingencies of the Governor, to be expended in his discretion, not exceeding \$3,000; purchase, inspection, delivery, handling, and storing of materials, supplies, and equipment for issue to all departments of the Panama Canal, the Panama Railroad, other branches of the United States Government, and for authorized sales; payment in lump sums of not exceeding the amounts authorized by the Injury Compensation Act approved September 7, 1916 (5 U. S. C. 793), to alien cripples who are now a charge upon the Panama Canal by reason of injuries sustained while employed in the construction of the Panama Canal; and relief payments authorized by the Act approved July 8, 1937 (50 Stat. 478), \$8,011,367; for continuing the construction of special protective works, \$19,000,000; in all, \$27,011,367, together with all moneys arising from the conduct of business operations authorized by the Panama Canal Act, and, in addition, the Governor of the Panama Canal may, when authorized by the Secretary of War, enter into contracts prior to July 1, 1941, for or on account of the construction of special protective works, Panama Canal, to an amount not in excess of \$4,500,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof.
Payment to alien cripples. 39 Stat. 750. 5 U. S. C., Supp. V, § 793.	
Relief payments. 48 U. S. C., Supp. V, § 1372. Special protective works.	
Contracts authorized.	Construction of additional facilities—Panama Canal: For construction of additional facilities for the improvement and enlargement of the capacity of the Panama Canal, in accordance with the Act approved August 11, 1939 (53 Stat. 1409), including reimbursement to the appropriations "Maintenance and Operation, Panama Canal", "Sanitation, Panama Canal", and "Civil Government, Panama Canal", in such amounts as the Governor of the Panama Canal shall from time to time determine to be additional costs incurred for the objects specified in said appropriations on account of the prosecution of the work; in all, \$15,000,000, and, in addition, the Governor of the Panama Canal may, when authorized by the Secretary of War, make or authorize the making of contracts prior to July 1, 1941, for or on account of the construction of such additional facilities, to an amount not in excess of \$99,000,000.
Construction of additional facilities. 48 U. S. C., Supp. V, § 1307. Reimbursement to designated appropriations.	
Contracts authorized.	
Sanitation, hospitals, etc.	For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, the purchase of artificial limbs or other appliances for persons who were injured in the service of the Isthmian Canal Commission or the Panama Canal prior to September 7, 1916, additional compensation to any officer of the United States Public Health Service detailed with the Panama Canal as chief quarantine officer, and payments of not to exceed \$50 in any one case to persons within the Government service who shall furnish blood from their veins for transfusion to the veins of patients in Panama Canal hospitals: <i>Provided</i> , That expenditures heretofore made to any person within the Government service for blood furnished to patients in Panama Canal hospitals are hereby validated; \$1,045,393.
Chief quarantine officer.	
Blood transfusion payments.	
<i>Proviso</i> . Prior expenditures validated.	

For civil government of the Panama Canal and Canal Zone, including gratuities and necessary clothing for indigent discharged prisoners, \$1,192,011.

Total, Panama Canal, \$44,248,771, to be available until expended.

In addition to the foregoing sums there is appropriated for the fiscal year 1941 for expenditures and reinvestment under the several heads of appropriation aforesaid, without being covered into the Treasury of the United States, and to remain available until expended, all moneys received by the Panama Canal during the fiscal year 1941 and prior fiscal years (exclusive of net profits for such prior fiscal years) from services rendered or materials and supplies furnished to the United States, the Panama Railroad Company, the Canal Zone government, or to their employees, respectively, or to the Panama Government, from hotel and hospital supplies and services; from rentals, wharfage, and like service; from labor, materials, and supplies and other services furnished to vessels other than those passing through the Canal, and to others unable to obtain the same elsewhere; from the sale of scrap and other byproducts of manufacturing and shop operations; from the sale of obsolete and unserviceable materials, supplies, and equipment purchased or acquired for the operation, maintenance, protection, sanitation, and government of the Canal and Canal Zone; and any net profits accruing from such business to the Panama Canal shall annually be covered into the Treasury of the United States.

There is also appropriated for the fiscal year 1941 for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, to remain available until expended, the necessary portions of such sums as shall be paid during that fiscal year as water rentals or directly by the Government of Panama for such expenses.

SEC. 2. No part of any appropriation contained in this Act shall be used directly or indirectly after May 1, 1941, except for temporary employment in case of emergency, for the payment of any civilian for services rendered by him on the Canal Zone while occupying a skilled, technical, clerical, administrative, executive, or supervisory position unless such person is a citizen of the United States of America or of the Republic of Panama: *Provided, however*, (1) That, notwithstanding the provision in the Act approved August 11, 1939 (53 Stat. 1409), limiting employment in the above-mentioned positions to citizens of the United States from and after the date of the approval of said Act, citizens of Panama may be employed in such positions; (2) that at no time shall the number of Panamanian citizens employed in the above-mentioned positions exceed the number of citizens of the United States so employed, if United States citizens are available in continental United States or on the Canal Zone; (3) that nothing in this Act shall prohibit the continued employment of any person who shall have rendered fifteen or more years of faithful and honorable service on the Canal Zone; (4) that in the selection of personnel for skilled, technical, administrative, clerical, supervisory, or executive positions, the controlling factors in filling these positions shall be efficiency, experience, training, and education; (5) that all citizens of Panama and the United States rendering skilled, technical, clerical, administrative, executive, or supervisory service on the Canal Zone under the terms of this Act (a) shall normally be employed not more than forty hours per week, (b) may receive as compensation equal rates of pay based upon rates paid for similar employment in continental United States plus 25 per centum; (6) this entire section shall apply only to persons employed in skilled, technical, clerical, administrative, executive, or supervisory positions on the Canal Zone

Civil government expenses.

Additional sums appropriated.

Disposition of net profits.

Waterworks, etc., Panama and Colon.

Personal services, Canal Zone, citizenship requirement; exception.

Proviso.
Employment of Panamanian citizens.
48 U. S. C., Supp. V, § 1307.

Number.

Persons having served 15 years.

Selection of personnel.

Hours of employment; rates of pay.

Section applicable only to certain persons.

Suspension of compliance in time of war, etc.

Administrative promotions.

Citizenship requirement.

Short title.

directly or indirectly by any branch of the United States Government or by any corporation or company whose stock is owned wholly or in part by the United States Government: *Provided further*, That the President may suspend compliance with this section in time of war or national emergency if he should deem such course to be in the public interest.

SEC. 3. The total amount used on an annual basis for administrative within-grade promotions for officers and employees under any appropriation or other fund made available in this Act shall not exceed the amount determined by the Bureau of the Budget to be available for such purpose on the basis of the Budget estimate for such appropriation or fund exclusive of new money in any such Budget estimate for such administrative promotions.

SEC. 4. No part of any appropriation contained in this Act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States, or of any agency the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States unless such person is a citizen of the United States, or a person in the service of the United States on the date of the approval of this Act who being eligible for citizenship had theretofore filed a declaration of intention to become a citizen or who owes allegiance to the United States.

SEC. 5. This Act may be cited as the "War Department Civil Appropriation Act, 1941".

Approved, June 24, 1940.

[CHAPTER 416]

AN ACT

To amend sections 2803 (c) and 2903 of the Internal Revenue Code.

June 24, 1940
[H. R. 9909]
[Public, No. 654]

Internal Revenue Code, amendments.

Unused stamps; exchange, refund, etc.

48 Stat. 316; 53 Stat. 303.
26 U. S. C., Supp. V, §§ 2803 (b), 2803 (c).

Provisos.
Minimum quantity.
Time restriction on claims.

Appropriation authorized.

53 Stat. 342.
26 U. S. C., Supp. V, § 2903.

Unused stamps; exchange, refund, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2803 (c), Internal Revenue Code, be amended to read as follows:

"(c) **UNUSED STAMPS; EXCHANGE, REFUND, ETC.**—The Commissioner of Internal Revenue, under regulations prescribed by him and approved by the Secretary of the Treasury, may redeem or make allowance for any unused stamps issued under section 203 of the Liquor Taxing Act of 1934 or subsection (b) of this section by exchanging them for other stamps of the same kind or by refunding moneys received therefor: *Provided*, That stamps may be exchanged or the value thereof refunded only in quantities of the value of \$5 or more: *And provided further*, That no claim for the exchange of strip stamps or refund therefor shall be allowed unless presented within two years after the date on which such stamps were lawfully issued. There are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this provision."

SEC. 2. Section 2903, Internal Revenue Code, is hereby amended by relettering subsections (e), (f), and (g) as (f), (g), and (h), respectively, and by inserting a new subsection (e) to read as follows:

"(e) **UNUSED STAMPS; EXCHANGE, REFUND, ETC.**—The Commissioner of Internal Revenue, under regulations prescribed by him and approved by the Secretary of the Treasury, may redeem or make allowance for any unused case stamp, with all coupon strip stamps attached thereto, issued under section 1 of the Act entitled 'An Act to allow the bottling of distilled spirits in bond', approved

March 3, 1897 (29 Stat. 626), or under said section 1, as variously amended, and may redeem or make allowance for unused strip stamps issued for bottles of distilled spirits bottled in bond under said section 1, as amended by the Act of July 9, 1937 (50 Stat. 487), or under subsection (d) of this section, by exchanging them for strip stamps for bottled-in-bond spirits, or by refunding moneys received therefor: *Provided*, That stamps may be exchanged or the value thereof refunded only in quantities of the value of \$5 or more: *And provided further*, That no claim under this subsection for redemption or allowance in respect of case or strip stamps shall be allowed unless presented within two years after the date on which such case or strip stamps were lawfully issued. There are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this provision."

SEC. 3. Notwithstanding the limitations contained in sections 2803 (c) and 2903 (e), Internal Revenue Code, as amended and inserted, respectively, by this Act, as to the time within which claims under such sections must be presented, claims under such sections for the exchange of or refund for stamps lawfully issued prior to the date of enactment of this Act may be allowed if presented within two years from the date of enactment of this Act.

Approved, June 24, 1940.

26 U. S. C., Supp. V, § 2903.

26 U. S. C., Supp. V, § 2903.

Provisos.
Minimum quantity.

Time restriction on claims.

Appropriation authorized.

Certain claims allowable notwithstanding time limitation.

[CHAPTER 417]

AN ACT

To eliminate the tax on brandy and wine spirits used in the fortification of wine; to increase the tax on wine; to compensate for the loss of revenue occasioned by the elimination of the tax on brandy and wine spirits used in the fortification of wine; and for other purposes.

June 24, 1940
[H. R. 9117]
[Public, No. 655]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, effective July 1, 1940, section 3030 (a) (1) (A), Internal Revenue Code, is amended to read as follows:

Internal Revenue Code, amendments.
53 Stat. 347.
26 U. S. C., Supp. V, § 3030 (a) (1) (A).
Tax on still wines.
Post, p. 525.

"(A) IMPOSITION.—Upon all still wines, including vermouth, and all artificial or imitation wines or compounds sold as still wine produced in or imported into the United States after June 30, 1940, or which on July 1, 1940, were on any winery premises or other bonded premises or in transit thereto or at any customhouse, there shall be levied, collected, and paid taxes at rates as follows, when sold or removed for consumption or sale:

Rates.

"On wines containing not more than 14 per centum of absolute alcohol, 5 cents per wine-gallon, the per centum of alcohol under this section to be reckoned by volume and not by weight;

Alcoholic strength.

"On wines containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 15 cents per wine-gallon;

"On wines containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol, 25 cents per wine-gallon;

"All such wines containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall pay tax accordingly.

Higher strength classed as distilled spirits.

"Any such wines may, under such regulations as the Commissioner may prescribe, with the approval of the Secretary, be sold or removed tax-free for the manufacture of vinegar, or for the production of dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume.

Sale, etc., tax-free in certain cases.

Dealcoholized wines.

Wines for family use
of registered producer.

53 Stat. 347.
26 U. S. C., Supp.
V, § 3030 (a) (2).
Sparkling wines, li-
queurs, and cordials.
Post, p. 525.

Rates.

Champagne, etc.

Artificially carbon-
ated wines.

Fortified liqueurs,
etc.

Classification as dis-
tilled spirits; excep-
tions.

Refund of certain
taxes on liqueurs, etc.

53 Stat. 348.
26 U. S. C., Supp.
V, § 3031 (a).
Withdrawal of spir-
its for fortification.

"The taxes imposed by this subparagraph (A) of this paragraph shall not apply to dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume; nor, subject to regulations prescribed by the Commissioner, with the approval of the Secretary, to wines produced for the family use of the duly registered producer thereof and not sold or otherwise removed from the place of manufacture and not exceeding in any case two hundred gallons per year."

SEC. 2. Effective July 1, 1940, section 3030 (a) (2), Internal Revenue Code, is amended to read as follows:

"(2) SPARKLING WINES, LIQUEURS, AND CORDIALS.—Upon the following articles which are produced in or imported into the United States, after June 30, 1940, or which on July 1, 1940, are on any winery premises or other bonded premises or in transit thereto or at any customhouse, there shall be levied, collected, and paid, in lieu of the internal-revenue taxes imposed thereon by law prior to such date, taxes at rates as follows, when sold, or removed for consumption or sale:

"On each bottle or other container of champagne or sparkling wine, 2½ cents on each one-half pint or fraction thereof;

"On each bottle or other container of artificially carbonated wine, 1½ cents on each one-half pint or fraction thereof;

"On each bottle or other container of liqueurs, cordials, or similar compounds, by whatever name sold or offered for sale, containing sweet wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, or apple wine, fortified, respectively, with grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, or apple brandy, 1¼ cents on each one-half pint or fraction thereof.

"Any of the foregoing articles containing more than 24 per centum of absolute alcohol by volume (except vermouth, liqueurs, cordials, and similar compounds made in rectifying plants and containing tax-paid sweet wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, or apple wine, fortified, respectively, with grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, or apple brandy) shall be classed as distilled spirits and shall be taxed accordingly.

"The Commissioner, under regulations prescribed by him, with the approval of the Secretary, is authorized to remit, refund, and pay back the amount of all taxes on such liqueurs, cordials, and similar compounds paid by or assessed against rectifiers at the distilled spirits rate prior to June 26, 1936."

SEC. 3. Effective July 1, 1940, section 3031 (a), Internal Revenue Code, is amended to read as follows:

"(a) WITHDRAWAL OF SPIRITS FOR FORTIFICATION.—Under such regulations and official supervision and upon the giving of such notices and entries as the Commissioner, with the approval of the Secretary, may prescribe, any producer of wines defined under the provisions of this subchapter may withdraw from any fruit distillery or internal revenue bonded warehouse grape brandy (hereafter in this section included in the term 'brandy'), or wine spirits, for the fortification of such wines on the premises where actually made, and any producer of citrus-fruit wines, peach wines, cherry wines, berry wines, apricot wines, prune wines, plum wines, pear wines, or apple wines (hereafter in this section included in the term 'wines') may similarly withdraw citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear

brand, or apple brandy (hereafter in this section included in the term 'brandy') for the fortification of wines as set forth in section 3032, Internal Revenue Code, on the premises where actually made. The amounts of tax at the rate imposed by law on such brandy or wine spirits shall be charged immediately upon withdrawal against the producer withdrawing the same: *Provided*, That whenever such brandy or wine spirits shall be lawfully used in the fortification of wines and accounted for in the manner provided by law and regulations, the producer shall be credited in the amount of the internal-revenue tax on so much of the brandy or wine spirits so withdrawn as was so used. Every producer of wines who withdraws such brandy or wine spirits shall give bond to fully cover at all times the payment of the internal-revenue tax at the rate imposed by law due on such brandy or wine spirits, which bond shall be in such form as the Commissioner, with the approval of the Secretary, shall, by regulations, prescribe. On and after July 1, 1940, the internal-revenue tax on such brandy or wine spirits shall be assessed against the producer of such wines who has withdrawn brandy or wine spirits for use in the fortification of such wines when such brandy or wine spirits are not lawfully used in the fortification of wines, or when such brandy or wine spirits are not so accounted for in the manner provided by law and regulations as to warrant remission of the tax.

"Nothing contained in this section shall be construed as exempting any wines, cordials, liqueurs, or similar compounds from the payment of any tax provided for in this subchapter.

"Any such wines may, under such regulations as the Commissioner may prescribe, with the approval of the Secretary, be sold or removed tax-free for the manufacture of vinegar, or for the production of dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume.

"The taxes imposed by this subchapter shall not apply to dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume."

SEC. 4. Upon the filing of a claim therefor by the proprietor of any bonded winery or bonded storeroom in which there was stored on June 30, 1940, or to which there was in transit on that date, wine lawfully fortified with brandy or wine spirits, and containing more than 14 per centum of absolute alcohol by volume, and not exceeding 24 per centum of absolute alcohol by volume, the Commissioner of Internal Revenue is authorized to issue to such proprietor suitable documents entitling such proprietor to a credit of 5 cents per gallon in respect of each gallon of such fortified wine which the Commissioner shall find was on such proprietor's bonded winery or bonded storeroom premises on June 30, 1940, or in transit thereto. The amount of such credit shall be allowed in whole or in part in the purchase of wine stamps. The claim shall be supported by an inventory, prepared, and filed by the proprietor in such form and manner as the Commissioner of Internal Revenue shall prescribe by regulations, approved by the Secretary of the Treasury, and by such other proof as the Commissioner may from time to time require. The aforesaid credit to the proprietor may be transferred by the proprietor to whom issued to the proprietor of any other bonded winery or bonded storeroom. All claims under this section must be filed on or before October 1, 1940.

SEC. 5. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe and publish all needful rules and regulations for the enforcement of this Act.

Approved, June 24, 1940.

53 Stat. 350.
26 U. S. C., Supp.
V, § 3032.
Tax.

Proviso.
Allowance for spirits
used in fortifying
wines.

Bond.

Tax on certain
brandy or wine spirits.

Wines, cordials, etc.,
not exempted.

Sale, etc., tax-free in
certain cases.

Dealcoholized wines
exempt.

Credits for fortified
wines in certain cases.

Credit per gallon.

Purchase of wine
stamps.

Inventory to support
claim.

Transfer of credits.

Time limitation.

Rules and regula-
tions.

[CHAPTER 419]

AN ACT

June 25, 1940
[H. R. 10039]
[Public, No. 656]

To provide for the expenses of national preparedness by raising revenue and issuing bonds, to provide a method for paying for such bonds, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 1. SHORT TITLE.

Revenue Act of
1940.

This Act may be cited as the Revenue Act of 1940.

SEC. 2. SURTAX ON INDIVIDUALS.

53 Stat. 5.
26 U. S. C., Supp.
V, § 12 (b).
Rates of surtax.

Section 12 (b) of the Internal Revenue Code is amended to read as follows:

“(b) **RATES OF SURTAX.**—There shall be levied, collected, and paid for each taxable year upon the surtax net income of every individual a surtax as follows:

“Upon a surtax net income of \$4,000 there shall be no surtax; upon surtax net incomes in excess of \$4,000 and not in excess of \$6,000, 4 per centum of such excess.

“\$80 upon surtax net incomes of \$6,000; and upon surtax net incomes in excess of \$6,000 and not in excess of \$8,000, 6 per centum in addition of such excess.

“\$200 upon surtax net incomes of \$8,000; and upon surtax net incomes in excess of \$8,000 and not in excess of \$10,000, 8 per centum in addition of such excess.

“\$360 upon surtax net incomes of \$10,000; and upon surtax net incomes in excess of \$10,000 and not in excess of \$12,000, 10 per centum in addition of such excess.

“\$560 upon surtax net incomes of \$12,000; and upon surtax net incomes in excess of \$12,000 and not in excess of \$14,000, 12 per centum in addition of such excess.

“\$800 upon surtax net incomes of \$14,000; and upon surtax net incomes in excess of \$14,000 and not in excess of \$16,000, 15 per centum in addition of such excess.

“\$1,100 upon surtax net incomes of \$16,000; and upon surtax net incomes in excess of \$16,000 and not in excess of \$18,000, 18 per centum in addition of such excess.

“\$1,460 upon surtax net incomes of \$18,000; and upon surtax net incomes in excess of \$18,000 and not in excess of \$20,000, 21 per centum in addition of such excess.

“\$1,880 upon surtax net incomes of \$20,000; and upon surtax net incomes in excess of \$20,000 and not in excess of \$22,000, 24 per centum in addition of such excess.

“\$2,360 upon surtax net incomes of \$22,000; and upon surtax net incomes in excess of \$22,000 and not in excess of \$26,000, 27 per centum in addition of such excess.

“\$3,440 upon surtax net incomes of \$26,000; and upon surtax net incomes in excess of \$26,000 and not in excess of \$32,000, 30 per centum in addition of such excess.

“\$5,240 upon surtax net incomes of \$32,000; and upon surtax net incomes in excess of \$32,000 and not in excess of \$38,000, 33 per centum in addition of such excess.

“\$7,220 upon surtax net incomes of \$38,000; and upon surtax net incomes in excess of \$38,000 and not in excess of \$44,000, 36 per centum in addition of such excess.

"\$9,380 upon surtax net incomes of \$44,000; and upon surtax net incomes in excess of \$44,000 and not in excess of \$50,000, 40 per centum in addition of such excess.

"\$11,780 upon surtax net incomes of \$50,000; and upon surtax net incomes in excess of \$50,000 and not in excess of \$60,000, 44 per centum in addition of such excess.

"\$16,180 upon surtax net incomes of \$60,000; and upon surtax net incomes in excess of \$60,000 and not in excess of \$70,000, 47 per centum in addition of such excess.

"\$20,880 upon surtax net incomes of \$70,000; and upon surtax net incomes in excess of \$70,000 and not in excess of \$80,000, 50 per centum in addition of such excess.

"\$25,880 upon surtax net incomes of \$80,000; and upon surtax net incomes in excess of \$80,000 and not in excess of \$90,000, 53 per centum in addition of such excess.

"\$31,180 upon surtax net incomes of \$90,000; and upon surtax net incomes in excess of \$90,000 and not in excess of \$100,000, 56 per centum in addition of such excess.

"\$36,780 upon surtax net incomes of \$100,000; and upon surtax net incomes in excess of \$100,000 and not in excess of \$150,000, 58 per centum in addition of such excess.

"\$65,780 upon surtax net incomes of \$150,000; and upon surtax net incomes in excess of \$150,000 and not in excess of \$200,000, 60 per centum in addition of such excess.

"\$95,780 upon surtax net incomes of \$200,000; and upon surtax net incomes in excess of \$200,000 and not in excess of \$250,000, 62 per centum in addition of such excess.

"\$126,780 upon surtax net incomes of \$250,000; and upon surtax net incomes in excess of \$250,000 and not in excess of \$300,000, 64 per centum in addition of such excess.

"\$158,780 upon surtax net incomes of \$300,000; and upon surtax net incomes in excess of \$300,000 and not in excess of \$400,000, 66 per centum in addition of such excess.

"\$224,780 upon surtax net incomes of \$400,000; and upon surtax net incomes in excess of \$400,000 and not in excess of \$500,000, 68 per centum in addition of such excess.

"\$292,780 upon surtax net incomes of \$500,000; and upon surtax net incomes in excess of \$500,000 and not in excess of \$750,000, 70 per centum in addition of such excess.

"\$467,780 upon surtax net incomes of \$750,000; and upon surtax net incomes in excess of \$750,000 and not in excess of \$1,000,000, 72 per centum in addition of such excess.

"\$647,780 upon surtax net incomes of \$1,000,000; and upon surtax net incomes in excess of \$1,000,000 and not in excess of \$2,000,000, 73 per centum in addition of such excess.

"\$1,377,780 upon surtax net incomes of \$2,000,000; and upon surtax net incomes in excess of \$2,000,000 and not in excess of \$5,000,000, 74 per centum in addition of such excess.

"\$3,597,780 upon surtax net incomes of \$5,000,000; and upon surtax net incomes in excess of \$5,000,000, 75 per centum in addition of such excess."

SEC. 3. CORPORATION TAX.

(a) TAX ON CORPORATIONS IN GENERAL.—Section 13 (b) of the Internal Revenue Code is amended to read as follows:

"(b) IMPOSITION OF TAX.—There shall be levied, collected, and paid for each taxable year upon the normal-tax net income of every corporation the normal-tax net income of which is more than \$25,000

53 Stat. 7, 863.
26 U. S. C., Supp.
v. § 13 (b).
Post, p. 974.
Imposition of tax.

26 U. S. C., Supp.
V, §§ 14, 231 (a), 201,
361.

General rule.

Alternative tax.

53 Stat. 864.
26 U. S. C., Supp.
V, § 14 (note).

Corporations with
normal-tax net in-
comes of not more
than \$25,000.

Foreign corpora-
tions.
Post, p. 974.

Nonresident foreign
corporations.
53 Stat. 78.
26 U. S. C., Supp.
V, § 231 (a).

Mutual investment
companies.
53 Stat. 99.
26 U. S. C., Supp.
V, § 362 (b).
Imposition of tax.
Post, p. 974.

Tax in general.
53 Stat. 75.
26 U. S. C., Supp.
V, § 211 (a) (1) (A).

Aggregate receipts
more than \$24,000.
53 Stat. 75.
26 U. S. C., Supp.
V, § 211 (a) (2).

Gross income of
more than \$24,000.
53 Stat. 76.
26 U. S. C., Supp.
V, § 211 (c).

(except a corporation subject to the tax imposed by section 14, section 231 (a), Supplement G, or Supplement Q) whichever of the following taxes is the lesser:

"(1) GENERAL RULE.—A tax of 19 per centum of the normal-tax net income; or

"(2) ALTERNATIVE TAX (CORPORATIONS WITH NORMAL-TAX NET INCOME SLIGHTLY MORE THAN \$25,000).—A tax of \$3,775, plus 33 per centum of the amount of the normal-tax net income in excess of \$25,000."

(b) TAX ON SPECIAL CLASSES OF CORPORATIONS.—Sections 14 (b) and (c) (1) of the Internal Revenue Code are amended to read as follows:

"(b) CORPORATIONS WITH NORMAL-TAX NET INCOMES OF NOT MORE THAN \$25,000.—If the normal-tax net income of the corporation is not more than \$25,000, and if the corporation does not come within one of the classes specified in subsection (c), (d), or (e) of this section, the tax shall be as follows:

"Upon normal-tax net incomes not in excess of \$5,000, 13½ per centum.

"\$675 upon normal-tax net incomes of \$5,000, and upon normal-tax net incomes in excess of \$5,000 and not in excess of \$20,000, 15 per centum in addition of such excess.

"\$2,925 upon normal-tax net incomes of \$20,000, and upon normal-tax net incomes in excess of \$20,000, 17 per centum in addition of such excess.

"(c) FOREIGN CORPORATIONS.—

"(1) In the case of a foreign corporation engaged in trade or business within the United States or having an office or place of business therein, the tax shall be an amount equal to 19 per centum of the normal-tax net income, regardless of the amount thereof."

(c) TAX ON NONRESIDENT FOREIGN CORPORATIONS.—Section 231 (a) (1) of the Internal Revenue Code is amended by striking out "except that in the case of dividends the rate shall be 10 per centum, and" and by striking out "of 10 per centum".

(d) TAX ON MUTUAL INVESTMENT COMPANIES.—Section 362 (b) of the Internal Revenue Code is amended to read as follows:

"(b) IMPOSITION OF TAX.—There shall be levied, collected, and paid for each taxable year upon the Supplement Q net income of every mutual investment company a tax equal to 19 per centum of the amount thereof."

SEC. 4. TAX ON NONRESIDENT ALIEN INDIVIDUALS.

(a) TAX IN GENERAL.—Section 211 (a) (1) (A) of the Internal Revenue Code (relating to tax on nonresident alien individuals not engaged in trade or business within the United States and not having an office or place of business therein) is amended by striking out "10 per centum" and inserting in lieu thereof "15 per centum".

(b) AGGREGATE RECEIPTS MORE THAN \$24,000.—Section 211 (a) (2) of the Internal Revenue Code is amended to read as follows:

"(2) AGGREGATE MORE THAN \$24,000.—The tax imposed by paragraph (1) shall not apply to any individual if the aggregate amount received during the taxable year from the sources therein specified is more than \$24,000."

(c) TAX WHERE GROSS INCOME OF MORE THAN \$24,000.—Section 211 (c) of the Internal Revenue Code (relating to tax on certain nonresident alien individuals) is amended by striking out "\$21,600" wherever occurring therein and inserting in lieu thereof "\$24,000"; and by striking out "10 per centum" and inserting in lieu thereof "15 per centum".

SEC. 5. WITHHOLDING OF TAX AT SOURCE.

(a) Section 143 of the Internal Revenue Code is amended by striking out "10 per centum" wherever occurring therein and inserting in lieu thereof "15 per centum".

Withholding of tax at source.
53 Stat. 60, 62.
26 U. S. C., Supp. V, §§ 143, 144.

(b) Section 144 of the Internal Revenue Code is amended by striking out "except that in the case of dividends the rate shall be 10 per centum, and" and by striking out "of 10 per centum".

(c) The amendments made by this section shall take effect on June 26, 1940.

SEC. 6. PERSONAL EXEMPTION.

(a) Section 25 (b) (1) of the Internal Revenue Code is amended to read as follows:

Personalexemption.

"(1) **PERSONAL EXEMPTION.**—In the case of a single person or a married person not living with husband or wife, a personal exemption of \$800; or in the case of the head of a family or a married person living with husband or wife, a personal exemption of \$2,000. A husband and wife living together shall receive but one personal exemption. The amount of such personal exemption shall be \$2,000. If such husband and wife make separate returns, the personal exemption may be taken by either or divided between them."

53 Stat. 18.
26 U. S. C., Supp. V, § 25 (b) (1).

(b) Section 214 of the Internal Revenue Code (relating to personal exemption of nonresident alien individuals) is amended by striking out "\$1,000" and inserting in lieu thereof "\$800".

53 Stat. 77.
26 U. S. C., Supp. V, § 214.

(c) Section 251 (f) of the Internal Revenue Code (relating to personal exemption of citizens entitled to benefits of section 251) is amended by striking out "\$1,000" and inserting in lieu thereof "\$800".

53 Stat. 80.
26 U. S. C., Supp. V, § 251 (f).

SEC. 7. RETURNS OF INCOME TAX.

(a) **INDIVIDUAL RETURNS.**—Section 51 (a) of the Internal Revenue Code is amended to read as follows:

Individual returns.
53 Stat. 27.
26 U. S. C., Supp. V, § 51 (a).
Requirement.

"(a) **REQUIREMENT.**—The following individuals shall each make under oath a return stating specifically the items of his gross income and the deductions and credits allowed under this chapter and such other information for the purpose of carrying out the provisions of this chapter as the Commissioner with the approval of the Secretary may by regulations prescribe—

"(1) Every individual who is single or who is married but not living with husband or wife, if having a gross income for the taxable year of \$800 or over.

"(2) Every individual who is married and living with husband or wife, if no joint return is made under subsection (b) and if—

"(A) Such individual has for the taxable year a gross income of \$2,000 or over, and the other spouse has no gross income; or

"(B) Such individual and his spouse each has for the taxable year a gross income and the aggregate gross income is \$2,000 or over."

(b) **FIDUCIARY RETURNS.**—Section 142 (a) of the Internal Revenue Code is amended to read as follows:

Fiduciary returns.
53 Stat. 60.
26 U. S. C., Supp. V, § 142 (a).
Requirement.

"(a) **REQUIREMENT OF RETURN.**—Every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make under oath a return for any of the following individuals, estates, or trusts for which he acts, stating specifically the items of gross income thereof and the deductions and credits allowed under this chapter and such other information for the purpose of carrying out the provisions of this chapter as the Commis-

sioner with the approval of the Secretary may by regulations prescribe—

“(1) Every individual having a gross income for the taxable year of \$800 or over, if single, or if married and not living with husband or wife;

“(2) Every individual having a gross income for the taxable year of \$2,000 or over, if married and living with husband or wife;

“(3) Every estate the gross income of which for the taxable year is \$800 or over;

“(4) Every trust the net income of which for the taxable year is \$100 or over, or the gross income of which for the taxable year is \$800 or over, regardless of the amount of the net income; and

“(5) Every estate or trust of which any beneficiary is a nonresident alien.”

Information re-
turns.
53 Stat. 64.
26 U. S. C., Supp.
V, § 147 (a).

(c) **INFORMATION RETURNS.**—Section 147 (a) of the Internal Revenue Code (relating to information at the source) is amended by striking out “\$1,000” wherever occurring therein and inserting in lieu thereof “\$800”.

SEC. 8. TREATY OBLIGATIONS.

Treaty obligations.

No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States.

SEC. 9. TAXABLE YEARS TO WHICH APPLICABLE.

Taxable years to
which applicable.

The amendments made by this title, except the amendments made by section 5, shall be applicable only with respect to taxable years beginning after December 31, 1939.

TITLE II

SEC. 201. INCOME TAX.

53 Stat. 8.
26 U. S. C., Supp.
V, § 14.

Chapter 1 of the Internal Revenue Code is amended by inserting after section 14 the following new section:

“SEC. 15. DEFENSE TAX FOR FIVE YEARS.

Defense tax.
Post, p. 974.

“In the case of any taxpayer, the amount of tax under this chapter for any taxable year beginning after December 31, 1939, and before January 1, 1945, shall be 10 per centum greater than the amount of tax computed without regard to this section. In no case shall the effect of this section be to increase the tax computed without regard to this section by more than 10 per centum of the amount by which the net income exceeds such tax. For the purposes of this section, the tax computed without regard to this section shall be such tax before the application of the credit provided in section 31 (‘foreign tax credit’), and the credit provided in section 32 (taxes withheld at the source).”

SEC. 202. RATES OF WITHHOLDING.

53 Stat. 60.
26 U. S. C., Supp.
V, § 143.
Rates until January
1945.

Section 143 of the Internal Revenue Code is amended by inserting at the end thereof the following new subsection:

“(h) **RATES UNTIL JANUARY 1945.**—For the period after June 25, 1940, and before January 1, 1945, the rate provided in this section and section 144, of 15 per centum shall be 16½ per centum. This subsection or section 15 shall not apply in any case where its operation would be contrary to any treaty obligation of the United States,

nor to a resident of, or a corporation organized under the laws of, a contiguous country so long as there is in effect with such country a treaty, ratified prior to August 26, 1937, relating to rates of income tax."

SEC. 203. PERSONAL HOLDING COMPANIES.

Section 500 of the Internal Revenue Code is amended by inserting "(a) GENERAL RULE.—" before the first paragraph and inserting at the end thereof the following new subsection:

53 Stat. 104.
26 U. S. C., Supp.
V, § 500.
General rule.

"(b) DEFENSE TAX FOR FIVE YEARS.—In the case of every personal holding company, the amount of surtax under this subchapter for any taxable year beginning after December 31, 1939, and before January 1, 1945, shall be 10 per centum greater than the amount of surtax computed without regard to this subsection."

Defense tax.

SEC. 204. EXCESS-PROFITS TAX.

Section 600 of the Internal Revenue Code is amended by inserting "(a) GENERAL RULE.—" before the first paragraph and by inserting at the end of such section the following new subsection:

53 Stat. 111.
26 U. S. C., Supp.
V, § 600.
General rule.

"(b) DEFENSE TAX FOR FIVE YEARS.—In the case of any taxpayer, the amount of tax payable under this section for any income-tax taxable year ending after June 30, 1940, and before July 1, 1945, shall be 10 per centum greater than the amount of tax which would be payable if computed without regard to this subsection."

Defense tax.

SEC. 205. CAPITAL STOCK TAX.

Section 1200 of the Internal Revenue Code is amended by inserting at the end thereof the following new subsection:

53 Stat. 169.
26 U. S. C., Supp.
V, § 1200.
Defense tax.

"(c) DEFENSE TAX FOR FIVE YEARS.—For the year ending June 30, 1940, and for the four succeeding years ending June 30, the rates provided in subsections (a) and (b) shall be \$1.10 in lieu of \$1."

SEC. 206. ESTATE TAX.

Chapter 3 of the Internal Revenue Code is amended by inserting at the end thereof the following new subchapter:

53 Stat. 119.
26 U. S. C., Supp.
V, § 800.

"Subchapter C—Defense Tax for Five Years

"SEC. 951. DEFENSE TAX FOR FIVE YEARS.

"In the case of a decedent dying after the date of the enactment of the Revenue Act of 1940 and before the expiration of five years after such date, the total amount of tax payable under this chapter shall be 10 per centum greater than the amount of tax which would be payable if computed without regard to this section. For the purposes of this section, the tax computed without regard to this section shall be such tax after the application of the credits provided for in section 813 and section 936."

Defense tax.

SEC. 207. GIFT TAX.

Section 1001 of the Internal Revenue Code is amended by adding at the end thereof the following new subsection:

53 Stat. 144.
26 U. S. C., Supp.
V, § 1001.
Defense tax for 1940-1945.

"(d) DEFENSE TAX FOR 1940-1945.—Despite the provisions of subsection (a)—

"(1) The tax for each of the calendar years 1941 to 1945, both inclusive, shall be an amount equal to the excess of—

Calendar years 1941-1945.

"(A) 110 per centum of a tax, computed in accordance with the Rate Schedule hereinbefore set forth, on the aggregate sum

of the net gifts for such calendar year and for each of the preceding calendar years, over

“(B) 110 per centum of a tax, computed in accordance with the said Rate Schedule, on the aggregate sum of the net gifts for each of the preceding calendar years.

Calendar year 1940.

“(2) The tax for the calendar year 1940 shall be the sum of (A) the tax computed under subsection (a), plus (B) an amount which bears the same ratio to 10 per centum of the tax so computed as the amount of gifts made after the date of the enactment of the Revenue Act of 1940 bears to the total amount of gifts made during the year. For the purposes of this paragraph, the term ‘gifts’ does not include gifts which, under section 1003 (b) (2), are not to be included in computing the total amount of gifts made during the calendar year 1940, or gifts which, in the case of a citizen or resident, are allowed as a deduction by section 1004 (a) (2), or gifts which, in the case of a nonresident not a citizen of the United States, are allowed as a deduction by section 1004 (b).”

SEC. 208. TAX ON TRANSFERS TO AVOID INCOME TAX.

53 Stat. 172.
26 U. S. C., Supp.
V, § 1250.
General rule.
Defense tax.

Section 1250 of the Internal Revenue Code is amended by inserting “(a) GENERAL RULE.—” before the first paragraph and inserting at the end thereof the following new subsection:

“(b) DEFENSE TAX FOR FIVE YEARS.—In the case of any transfer during the period after the date of the enactment of the Revenue Act of 1940 and before July 1, 1945, the rate provided in subsection (a) shall be 27½ per centum in lieu of 25 per centum.”

SEC. 209. CONTINUATION OF EXCISE TAXES.

Continuation of ex-
cise taxes.
53 Stat. 195, 196, 411,
420, 421, 422, 425.
26 U. S. C., Supp. V.

Sections 1801, 1802, 3403 (f) (1), 3452, 3460 (a), 3465, 3481 (b), and 3482 of the Internal Revenue Code are amended by striking out “1941” wherever appearing therein and inserting in lieu thereof “1945”.

SEC. 210. MISCELLANEOUS EXCISES.

53 Stat. 175.
26 U. S. C., Supp. V,
§ 1400.

The Internal Revenue Code is amended by inserting at the end of chapter 9 the following new chapter:

“CHAPTER 9A—DEFENSE TAX FOR FIVE YEARS

“SEC. 1650. DEFENSE TAX FOR FIVE YEARS.

Defense tax.

“(a) In lieu of the rates of tax specified in such of the sections of this title as are set forth in the following table, the rates applicable with respect to the period after June 30, 1940, and before July 1, 1945, shall be the rates set forth under the heading ‘Defense-Tax Rate’:

"Section"	Description of tax	Old rate	Defense-tax rate
1700 (b) -----	Box seats -----	10 percent.---	11 percent.
1700 (c) -----	Sales outside box office -----	10 percent.---	11 percent.
1700 (e) -----	Cabaret -----	1½ cents.---	2 cents.
1710 (a) (1) -----	Dues -----	10 percent.---	11 percent.
1710 (a) (2) -----	Initiation fees -----	10 percent.---	11 percent.
1801 -----	Corporate securities -----	10 cents.---	11 cents.
1802 (a) -----	Capital stock issues -----	10 cents.---	11 cents.
1802 (a) -----	Capital stock issues -----	2 cents.---	3 cents.
1802 (b) -----	Capital stock transfers -----	4 cents.---	5 cents.
1802 (b) -----	Capital stock transfers -----	5 cents.---	6 cents.
1804 -----	Insurance policies -----	3 cents.---	4 cents.
1806 -----	Passage tickets -----	\$1.-----	\$1.10.
1806 -----	Passage tickets -----	\$3.-----	\$3.30.
1806 -----	Passage tickets -----	\$5.-----	\$5.50.
1850 (a) -----	Safe-deposit boxes -----	10 percent.---	11 percent.
2700 (a) -----	Pistols and revolvers -----	10 percent.---	11 percent.
3250 (a) (1) -----	Wholesalers in liquor -----	\$100.-----	\$110.
3250 (b) -----	Retailers in liquor -----	\$25.-----	\$27.50.
3250 (c) -----	Brewers -----	\$100.-----	\$110.
3250 (c) -----	Brewers -----	\$50.-----	\$55.
3250 (d) -----	Wholesalers in malt liquors -----	\$50.-----	\$55.
3250 (e) -----	Retailers -----	\$20.-----	\$22.
3250 (e) (3) -----	Special cases -----	\$2.-----	\$2.20.
3250 (f) (1) -----	Rectifiers -----	\$200.-----	\$220.
3250 (f) (1) -----	Rectifiers -----	\$100.-----	\$110.
3250 (j) -----	Stillts -----	\$50.-----	\$55.
3250 (j) -----	Stillts -----	\$20.-----	\$22.
3400 (1) -----	Tires -----	2¼ cents.---	2½ cents.
3400 (2) -----	Tubes -----	4 cents.---	4½ cents.
3401 -----	Toilet preparations -----	10 percent.---	11 percent.
3403 (a) -----	Automobile truck chassis, etc. -----	2 percent.---	2½ percent.
3403 (b) -----	Automobiles, etc. -----	3 percent.---	3½ percent.
3403 (c) -----	Parts -----	2 percent.---	2½ percent.
3404 -----	Radios -----	5 percent.---	5½ percent.
3405 -----	Mechanical refrigerators -----	5 percent.---	5½ percent.
3407 -----	Firearms -----	10 percent.---	11 percent.
3409 -----	Matches -----	5 cents.---	5½ cents.
3411 -----	Electrical energy -----	3 percent.---	3½ percent.
3412 -----	Gasoline -----	1 cent.---	1½ cents.
3413 -----	Lubricating oils -----	4 cents.---	4½ cents.
3460 (a) (1), (2), and (3). -----	Transportation of oil -----	4 percent.---	4½ percent.
3481 (a) -----	Transfer of bonds -----	4 cents.---	5 cents.
3482 -----	Conveyances -----	50 cents.---	55 cents.

"(b) In the application of section 3441 (c) to the articles with respect to which the rate of tax is increased by this section, where the lease, contract of sale, or conditional sale, and delivery thereunder, was made before July 1, 1940, the total tax referred to in such section shall be the tax at the rate in force on June 30, 1940, and not at the increased rate."

53 Stat. 416,
26 U. S. C., Supp.
V, § 3441 (c).

SEC. 211. ADMISSIONS TAX.

Section 1700 (a) (1) of the Internal Revenue Code is amended by striking out "until July 1, 1941, is less than 41 cents" and inserting in lieu thereof "until July 1, 1940, is less than 41 cents, and after June 30, 1940, and before July 1, 1945, is less than 21 cents" and by striking out "is less than 41 cents, until July 1, 1941" and inserting in lieu thereof "is less than 41 cents until July 1, 1940, and is less than 21 cents after June 30, 1940, and before July 1, 1945".

Admissions tax.
53 Stat. 189.
26 U. S. C., Supp.
V, § 1700 (a) (1).

SEC. 212. CIGARETTES.

Cigarettes.
53 Stat. 219.
28 U. S. C., Supp.
V, § 2000.

Subchapter A of chapter 15 of the Internal Revenue Code is amended by inserting at the end thereof the following new sections:

"SEC. 2004. DEFENSE TAX FOR FIVE YEARS.

Defense tax.

"In lieu of the rates of tax specified in section 2000 (c) (2), the rates of tax for the period after June 30, 1940, and before July 1, 1945, shall be \$3.25 and \$7.80, respectively.

"SEC. 2005. FLOOR STOCKS TAX.

Floor stocks tax.

"(a) **FLOOR STOCKS TAX.**—Upon cigarettes subject to tax under section 2000 (c) (2) which on July 1, 1940, are held by any person for sale, there shall be levied, assessed, collected, and paid a floor stocks tax at a rate equal to the increase in rate of tax made applicable to such articles by section 2004.

Returns.

"(b) **RETURNS.**—Every person required by this section to pay any floor stocks tax shall, on or before August 1, 1940, under such regulations as the Commissioner with the approval of the Secretary shall prescribe, make a return and pay such tax, except that in the case of articles held by manufacturers and importers the Commissioner may collect the tax with respect to all or part of such articles by means of stamp rather than return, and in such case may make an assessment against such manufacturer or importer having tobacco tax stamps on hand July 1, 1940, for the difference between the amount paid for such stamps and the increased rates specified in section 2004.

Laws applicable.

"(c) **LAWS APPLICABLE.**—All provisions of law, including penalties, applicable in respect of the taxes imposed by section 2000 shall, insofar as applicable and not inconsistent with this section, be applicable with respect to the floor stocks tax imposed by subsection (a)."

SEC. 213. DISTILLED SPIRITS.

53 Stat. 298.
28 U. S. C., Supp.
V, § 2800.
Defense tax.

(a) Section 2800 of the Internal Revenue Code is amended by inserting at the end thereof the following new subsections:

"(g) **DEFENSE TAX FOR FIVE YEARS.**—In lieu of the rates of tax specified in such of the sections of this title as are set forth in the following table, the rates applicable with respect to the period after June 30, 1940, and before July 1, 1945, shall be the rates set forth under the heading 'Defense-Tax Rate':

"Section	Description of tax	Old rate	Defense-tax rate
2800 (a) (1) -----	Distilled spirits generally -----	\$2.25 -----	\$3.
2800 (a) (1) -----	Brandy -----	\$2 -----	\$2.75.
2800 (a) (3) -----	Imported perfumes -----	\$2.25 -----	\$3.

Floor stocks tax.

"(h) FLOOR STOCKS TAX.

"(1) Upon all distilled spirits produced in or imported into the United States upon which the internal-revenue tax imposed by law has been paid, and which on July 1, 1940, are held and intended for sale or for use in the manufacture or production of any article intended for sale, there shall be levied, assessed, collected; and paid a floor stocks tax of 75 cents on each proof-gallon, and a proportionate tax at a like rate on all fractional parts of such proof-gallon. The tax imposed by this subsection shall not apply to one hundred wine gallons of the retail stocks of distilled spirits held by a person on premises as to which such person has incurred occupational tax as a retail dealer in liquors for the period begin-

Limited exemp-
tion of retailer.

ning on July 1, 1940, and as to which no other occupational tax with respect to dealing in distilled spirits has been incurred by such person for a period beginning on such date.

“(2) Every person required by this subsection to pay any floor stocks tax shall, on or before August 1, 1940, under such regulations as the Commissioner, with the approval of the Secretary, shall prescribe, make a return and pay such tax. Payment of the tax shown to be due may be extended to a date not later than February 1, 1941, upon the filing of a bond for payment thereof in such form and amount and with such surety or sureties as the Commissioner, with the approval of the Secretary, may prescribe. Every retail dealer in liquors (even though not liable to pay such tax) shall make the return required by this paragraph.

“(3) All provisions of law, including penalties, applicable in respect of internal-revenue taxes on distilled spirits shall, insofar as applicable and not inconsistent with this subsection, be applicable in respect of the floor stocks tax imposed hereunder.”

(b) The third paragraph of section 2887 of the Internal Revenue Code (relating to drawback on distilled spirits) is amended by striking out “but shall not exceed a rate of \$2.25 (or, in the case of brandy, \$2)” and inserting in lieu thereof “but shall not exceed a rate of \$3 (or, in the case of brandy, \$2.75)”.

Returns.

Extension of payment; bond.

Laws applicable.

Drawback on distilled spirits.
53 Stat. 339.
26 U. S. C., Supp. V, § 2887.

SEC. 214. WINES AND FERMENTED MALT LIQUORS.

Chapter 26 of the Internal Revenue Code is amended by inserting at the end thereof the following new subchapter:

53 Stat. 298.
26 U. S. C., Supp. V, § 2800.

“Subchapter F—Defense Tax for Five Years

“SEC. 3190. DEFENSE TAX FOR FIVE YEARS.

“In lieu of the rates of tax specified in such of the sections of this title as are set forth in the following table, the rates applicable with respect to the period after June 30, 1940, and before July 1, 1945, shall be the rates set forth under the heading ‘Defense-tax Rate’:

Defense tax.
Azite, pp. 513, 514.

“Section	Description of tax	Old rate	Defense-tax rate
3030 (a) (1) (A)...	Still wines.....	5 cents.....	6 cents.
3030 (a) (1) (A)...	Still wines.....	15 cents.....	18 cents.
3030 (a) (1) (A)...	Still wines.....	25 cents.....	30 cents.
3030 (a) (2).....	Sparkling wines.....	2½ cents.....	3 cents.
3030 (a) (2).....	Sparkling wines.....	1¼ cents.....	1½ cents.
3030 (a) (2).....	Liqueurs, cordials, etc.....	1¼ cents.....	1½ cents.
3150 (a).....	Fermented malt liquors.....	\$5.....	\$6.

“SEC. 3191. FLOOR STOCKS TAX ON FERMENTED MALT LIQUORS.

“(a) FLOOR STOCKS TAX.—Upon all fermented malt liquors upon which the internal-revenue tax imposed by law has been paid, and which on July 1, 1940, are held by any person and intended for sale there shall be levied, assessed, collected, and paid a floor stocks tax at a rate equal to the increase in rate of tax made applicable to such articles by section 3190. The tax imposed by this subsection shall not apply to the retail stocks of fermented malt liquors held by a person on premises as to which such person has incurred occupational tax as a retail dealer in liquors or a retail dealer in malt liquors for the period beginning on July 1, 1940, and as to which no other occupational tax with respect to dealing in distilled spirits, wines, or malt liquors, has been incurred by such person for a period beginning on such date.

Floor stocks tax.

Exemption of certain retail stocks.

Returns.

"(b) RETURNS.—Every person required by subsection (a) to pay any floor stocks tax shall, on or before August 1, 1940, under such regulations as the Commissioner with the approval of the Secretary shall prescribe, make a return and pay such tax. Payment of the tax shown to be due may be extended to a date not later than February 1, 1941, upon the filing of a bond for payment thereof in such form and amount and with such surety or sureties as the Commissioner, with the approval of the Secretary, may prescribe.

Extension of payment; bond.

Laws applicable.
53 Stat. 365.
26 U. S. C., Supp.
V, § 3150.

"(c) LAWS APPLICABLE.—All provisions of law, including penalties, applicable in respect of the taxes imposed by section 3150 (a) shall, insofar as applicable and not inconsistent with this subsection, be applicable with respect to the floor stocks tax imposed by subsection (a)."

SEC. 215. PLAYING CARDS.

53 Stat. 199.
26 U. S. C., Supp.
V, § 1807.
General rule.

Section 1807 of the Internal Revenue Code is amended by inserting "(a) GENERAL RULE.—" before the first paragraph and inserting at the end thereof the following new subsection:

Defense tax.

"(b) DEFENSE TAX FOR FIVE YEARS.—In lieu of the rate of tax specified in subsection (a), the rate of tax for the period after June 30, 1940, and before July 1, 1945, shall be 11 cents."

SEC. 216. CREDITS ON TAX ON AUTOMOBILES, ETC.

Credits on tax on automobiles, etc.
53 Stat. 410.
26 U. S. C., Supp.
V, § 3403 (e).

Section 3403 (e) of the Internal Revenue Code is amended by adding at the end thereof the following new sentence: "With respect to the period after June 30, 1940, and before July 1, 1945, the rates of the credits above provided shall, in lieu of 2 per centum and 3 per centum, be 2½ per centum and 3½ per centum, respectively."

TITLE III

Special fund for retirement of certain obligations.

53 Stat. 189.
26 U. S. C., Supp.
V, § 1700 (a) (1).

Infra.

SEC. 301. The Secretary of the Treasury shall, as soon as practicable after the end of each quarter, determine the additional amount of taxes collected attributable to the increases in taxes made, and to the floor stocks taxes imposed, by the amendments to the Internal Revenue Code in title II of this Act (not including the amount of taxes attributable solely to section 209 and not including any amount collected under section 1700 (a) (1) of the Internal Revenue Code attributable to a basic admission charge of more than 40 cents), and the amounts so determined shall be set aside as a special fund which shall be available only for the retirement of any of the obligations issued pursuant to the authority contained in section 21 (b) of the Second Liberty Bond Act, as amended. If at any time the amounts in the fund are not sufficient for such purpose, the Secretary of the Treasury is authorized and directed to transfer to the fund moneys out of the general fund of the Treasury. Any amounts in the special fund not necessary for the retirement of such obligations shall be deposited in the general fund of the Treasury.

52 Stat. 447.
31 U. S. C., Supp.
V, § 757b.

Issuance of additional obligations for national defense expenditures.

SEC. 302. Section 21 of the Second Liberty Bond Act, as amended, is hereby further amended by inserting "(a)" after "21." and by adding at the end of such section a new paragraph as follows:

"(b) In addition to the amount authorized by the preceding paragraph of this section, any obligations authorized by sections 5 and 18 of this Act, as amended, not to exceed in the aggregate \$4,000,000,000 outstanding at any one time, less any retirements made from the special fund made available under section 301 of the Revenue Act of 1940, may be issued under said sections to provide the Treasury with funds to meet any expenditures made, after June 30, 1940, for the national defense, or to reimburse the general fund of the Treasury therefor. Any such obligations so issued shall be designated 'National Defense Series'."

"National Defense Series."

TITLE IV

SEC. 401. Section 205 of the Public Salary Tax Act of 1939 is amended by adding at the end thereof a new sentence to read as follows: "If the amount of the deficiency in income tax for any taxable year beginning before January 1, 1939, attributable to compensation paid indirectly by the United States, or any agency or instrumentality thereof, for personal service as an officer or employee of a State, or any political subdivision thereof, or any agency or instrumentality of any of the foregoing, is paid on or before March 15, 1941, then with respect to failure to pay such amount or make return of such compensation: (a) No criminal penalty shall apply; and (b) the additions to tax provided in sections 291 and 293 of the Internal Revenue Code shall not apply."

Deficiency in income tax.
53 Stat. 576.
26 U. S. C., Supp. V, § 22 (note).

53 Stat. 88.
26 U. S. C., Supp. V, §§ 291, 293.

Approved, June 25, 1940, 11:45 a. m., E. S. T.

[CHAPTER 420]

AN ACT

To transfer the active list of the Construction Corps to the line of the Navy; and for other purposes.

June 25, 1940
[S. 4027]
[Public, No. 657]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Construction Corps of the Navy is hereby abolished, but nothing herein shall affect the status, rights, or obligations of any officer now on the retired list of the Construction Corps.

Construction Corps of the Navy, abolishment.
Retired officers not affected.

NAVAL CONSTRUCTORS TRANSFERRED TO THE LINE: STATUS UPON TRANSFER

SEC. 2. Officers now on the active list of the Construction Corps are hereby transferred to the line of the Navy, and shall be commissioned accordingly. Each officer so transferred shall—

Transfer of officers on active list to the line

(a) Be designated for engineering duty only.

Designation, rank, etc.

(b) Occupy the rank and grade corresponding to those held by him in the Construction Corps.

(c) Continue amenable to disciplinary action to the same extent in all respects as if not transferred.

(d) Be an additional number in the grade to which transferred and in any grade to which he may thereafter be promoted.

(e) Have the lineal position and precedence in the line which a board of naval officers finds that he would have had if he had remained in the line or if his original appointment had been in the line, and the finding of such board when approved by the Secretary of the Navy shall be conclusive for all purposes: *Provided*, That the existing relative rank, precedence, or seniority among themselves of officers transferred by this Act shall not be altered by such transfer.

(f) Except as herein otherwise provided, be governed by the provisions of existing laws and of laws hereafter enacted relating to line officers assigned to engineering duty only.

ADJUSTMENT OF STATUS

SEC. 3. For the purpose of adjusting the status in the line of the officers transferred thereto by this Act, the following shall govern with respect to such officers:

Adjustment of status in the line.

(a) Each officer shall become eligible for consideration by a line selection board as of the date the next junior line officer becomes eligible therefor, subject to the provisions of section 7 (a) of this Act, and the same eligibility rule shall apply to all other officers designated for engineering duty only.

Eligibility for consideration by line selection board.

Officers passed over.	(b) Each officer who at the time of transfer has been passed over one or more times in the rank in which transferred shall be regarded as having failed of selection as best fitted once only.
Precedence, etc., of promoted captains.	(c) Each captain whose date of commission in such rank is earlier than February 2, 1932, shall, if promoted pursuant to the recommendation of the first line selection board convened for his rank after the date of this Act, have the date of commission and the precedence which the Secretary of the Navy finds that he would have had if he had remained in the line or if his original appointment had been in the line: <i>Provided</i> , That his existing relative rank, precedence, or seniority shall not be altered thereby with reference to other such officers advanced to the rank of rear admiral pursuant to the recommendation of the same or an earlier selection board.
<i>Proviso.</i> Existing relative precedence, etc.	
Precedence, etc., of promoted commanders and lieutenant commanders.	(d) Commanders and lieutenant commanders who, while in the rank in which transferred, have been considered by staff selection boards shall, if promoted pursuant to the recommendation of the first line selection board convened for their rank after the date of approval of this Act, have the date of commission and the precedence which the Secretary of the Navy finds that they would have had if such promotion had occurred prior to their transfer.

**ADDITIONAL OFFICERS TO BE DESIGNATED FOR ENGINEERING DUTY ONLY:
STATUS AND DUTIES**

Officers on aeronautical-engineering duty, designation.	SEC. 4. (a) Officers heretofore appointed or designated for the performance of aeronautical-engineering duty only in accordance with the Act of June 5, 1935 (49 Stat. 323; U. S. C., Supp. V, title 34, sec. 71a), are hereby designated for engineering duty only and no further appointments or designations shall be made under that Act, which is hereby repealed.
Repeal.	
Assignment of officers to engineering duty only.	(b) The provision of the Act approved August 29, 1916 (39 Stat. 580; U. S. C., title 34, sec. 71), which authorizes the assignment of officers "not below the grade of lieutenant" to engineering duty only is hereby amended by deleting the word "lieutenant" and inserting in lieu thereof the words "lieutenant (junior grade)".
Additional numbers in grade, etc.	(c) Officers designated for engineering duty only shall be additional numbers in grade and shall not succeed to command except on shore and then only as authorized by the Secretary of the Navy.
Number of rear admirals for engineering duty only.	SEC. 5. (a) The number of rear admirals designated for engineering duty only shall be reduced to six, as provided in this section, and thereafter that number shall be the permanent authorized number of such officers. In the meantime, only the first and each alternate succeeding separation of such officers from the active list shall be deemed to create a vacancy, and if more than one vacancy should result in any fiscal year the excess shall not be filled, but the next succeeding separation from the active list shall be regarded as the alternate succeeding separation within the meaning of this section: <i>Provided</i> , That the line selection boards convened in the fiscal years 1941 and 1942 to recommend captains for promotion to the grade of rear admiral shall be furnished by the Secretary of the Navy with an estimated number of vacancies in that grade for officers designated for engineering duty only, which number shall be four and two, respectively, regardless of the number of officers separated from the active list.
Vacancies.	
<i>Proviso.</i> Information to be furnished line selection boards.	(b) Officers transferred to the line of the Navy pursuant to the provisions of section 2 of this Act who, at the time of transfer, have been recommended for advancement to the rank of rear admiral, and those who may be so recommended in the report of the selection
Advancement to rank of rear admiral. Number of vacancies.	

board convened next subsequent to the date of approval of this Act shall be eligible for promotion on January 2, 1941, upon which date there shall be deemed to have been created a number of vacancies equal to the number of such officers recommended for promotion. Except as above provided, each captain designated for engineering duty only on the promotion list for the grade of rear admiral shall be promoted to rank from the date stated in or in due course to be stated in, the commission in that grade of the next junior officer on the promotion list who is not designated for engineering duty only.

Date of promotion.

INFORMATION TO BE FURNISHED SELECTION BOARDS

SEC. 6. (a) The estimate furnished by the Secretary of the Navy to line selection boards convened for the consideration of captains, pursuant to section 8 (a) of the Act approved June 23, 1938 (52 Stat. 946; U. S. C., Supp. V, title 34, sec. 294), shall show separately the number of vacancies existing in the grade of rear admiral among officers designated for engineering duty only and among officers not so designated, and the number of such vacancies estimated to occur before the end of the next succeeding fiscal year, in excess of the number of officers of each group then on the promotion list.

Vacancies in grade of rear admiral.

(b) The statement furnished line selection boards pursuant to section 8 (a) of the Act approved June 23, 1938 (52 Stat. 946; U. S. C., Supp. V, title 34, sec. 294), shall include the percentage of engineering duty only officers adjudged fitted for promotion which shall be continued on the active list to meet the immediate requirements of the Navy.

Officers adjudged fitted for promotion, continuance on active list.

(c) Each line selection board convened for the consideration of captains shall be furnished with the names of all captains eligible for consideration to be designated for retention or continuance on the active list pursuant to this Act, in addition to the names of captains eligible for consideration for promotion required to be furnished such board by section 8 (a) of the Act approved June 23, 1938 (52 Stat. 946; U. S. C., Supp. V, title 34, sec. 294).

Captains eligible for consideration.

DUTIES OF SELECTION BOARDS

SEC. 7. (a) The recommendations of selection boards in the case of officers who are now or may hereafter be designated for engineering duty only shall be based upon their comparative fitness for the duties prescribed for them by law: *Provided*, That no captain designated for engineering duty only shall be eligible for consideration by a selection board for promotion unless the estimate of vacancies furnished that board by the Secretary of the Navy in compliance with section 6 (a) of this Act shows one or more vacancies existing or estimated to occur in the grade of rear admiral among officers designated for engineering duty only, but any such captain who is promoted pursuant to the recommendations of the first selection board by which he was considered shall be given in his new commission the same date of rank which has been or in due course will be stated in the commission in such rank of the senior officer below him who was recommended for promotion by the approved report of a selection board which did not consider him because of this proviso: *Provided further*, That no captain so promoted shall be entitled to increased pay or allowances prior to the date of the vacancy to which promoted.

Recommendations based upon comparative fitness.

Provisos.
Promotion of captains.

Pay or allowances.

(b) Officers designated for engineering duty only may be recommended by a line selection board as best fitted for promotion to grades below rear admiral, pursuant to section 9 (a) of the Act of

Promotion of certain officers to grades below rear admiral.

June 23, 1938 (52 Stat. 947; U. S. C., Supp. V, title 34, sec. 297a), in addition to the number of estimated vacancies certified to the board by the Secretary of the Navy.

SEC. 8. Each selection board considering captains designated for engineering duty only shall—

Retention of captains on active list.

Ineligibility for promotion.

Retirement.

Involuntary retirements in excess of four.

Proviso.
Ineligibility for promotion, etc.

(a) From among such captains who have twice failed of selection as best fitted designate by name for retention on the active list in the grade of captain until not later than the end of the next succeeding fiscal year those officers whose fitness, in the opinion of at least six of the members, warrants their retention. Captains so retained shall be ineligible for consideration for recommendation for promotion by subsequent selection boards, but shall be eligible for consideration by such boards for retention on the active list. If not again designated for retention on the active list they shall be placed on the retired list as provided in section 9 of this Act.

(b) When the number of involuntary retirements in any fiscal year pursuant to section 9 (c) of this Act would otherwise exceed four, designate by name such excess of officers for continuance on the active list until the end of the next fiscal year: *Provided*, That such officers shall be ineligible for consideration for recommendation for promotion by subsequent selection boards, but shall be eligible for consideration for continuance on the active list. If not again designated for continuance on the active list, they shall be placed on the retired list as provided in section 9 of this Act.

RETIREMENT

Retirement of certain captains on active list.

Retirement of captains not designated for retention.

Limitation on retirement of captains.

Retirement of commanders.

34 U. S. C., Supp. V, § 286a.
Proviso.
Ineligibility for promotion.

SEC. 9. (a) Except as provided in subsection (c) of this section, each officer in the grade of captain designated for retention on the active list pursuant to section 8 (a) of this Act shall be transferred to the retired list on June 30 of the next succeeding fiscal year or on the 1st day of the month following that in which he attains the age of sixty-one years, whichever shall occur first.

(b) Except as provided in subsection (c) of this section, each officer described in section 8 (a) of this Act who is not designated pursuant thereto for retention on the active list shall be transferred to the retired list on June 30 of the fiscal year in which he fails of such designation or on the 1st day of the month following that in which he attains the age of sixty-one years, whichever shall occur first.

(c) No officer transferred to the grade of captain by section 2 of this Act shall be retired pursuant to subsection (a) or (b) of this section earlier than four years after the date of approval of this Act, nor shall more than four such captains thereafter be so retired in any one fiscal year. Such officers who are considered for retention or continuance on the active list pursuant to the provisions of section 8 of this Act, and are not designated therefor, shall be placed on the retired list on June 30 of the fiscal year in which they fail of such designation.

SEC. 10. Officers transferred by this Act to the grade of commander of the line whose names are not placed upon the promotion list, shall be placed on the retired list on June 30 of the fiscal year in which they fail of selection as best fitted the second time or in which they complete twenty-eight years of commissioned service computed as provided in section 3 of the Act of March 3, 1931 (46 Stat. 1483; U. S. C., title 34, sec. 286a), whichever date shall be later: *Provided*, That any officer retained on the active list pursuant to this section shall be ineligible for consideration for promotion by subsequent selection boards.

SEC. 11. Officers transferred by this Act to the grade of lieutenant commander or lieutenant of the line shall, at their own request, in lieu of the honorable discharge provided in section 12 (c) of the Act approved June 23, 1938 (52 Stat. 948; U. S. C., title 34, sec. 404 (c)), be retired on June 30 of the fiscal year in which they fail of selection as best fitted the second time or in which they complete twenty-one and fourteen years, respectively, of commissioned service computed as provided in section 3 of the Act of March 3, 1931 (46 Stat. 1483; U. S. C., title 34, sec. 286a), whichever date shall be later: *Provided*, That any officer retained on the active list pursuant to this section shall be ineligible for consideration for promotion by subsequent selection boards.

Retirement of lieutenants and lieutenant commanders.
52 Stat. 949.
34 U. S. C., Supp. V, § 404 (c).

SEC. 12. No officer transferred by this Act to the grade of commander or lieutenant commander of the line shall be retired pursuant to section 12 (f) of the Act of June 23, 1938 (52 Stat. 950; U. S. C., Supp. V, title 34, sec. 40 (f)), prior to June 30 of the fiscal year in which he completes thirty or twenty-five years, respectively, of active commissioned service in the Navy.

34 U. S. C., Supp. V, § 286a.
Proviso.
Ineligibility for promotion.

Limitation on retirements.
34 U. S. C., Supp. V, § 404 (f).

SEC. 13. Officers transferred to the retired list in conformity with this Act shall be entitled to retired pay computed as prescribed in section 12 (b) of the Act of June 23, 1938 (52 Stat. 949; U. S. C., title 34, sec. 404 (b)).

Retired pay.

34 U. S. C., Supp. V, § 404 (b).

MISCELLANEOUS PROVISIONS

SEC. 14. Nothing herein shall be construed to interfere with the promotion of officers who have been recommended for advancement on the effective date of this Act, except that the provisions of section 11 (b) of the Act approved June 23, 1938 (52 Stat. 948; U. S. C., title 34, sec. 300 (b)) shall be applicable in the cases of such officers. When promoted, such officers shall have the date of commission and the precedence which the Secretary of the Navy finds they would have had if such promotion had occurred prior to their transfer.

Promotion recommended prior to transfer.

34 U. S. C., Supp. V, § 300 (b).

SEC. 15. Nothing in this Act shall operate to reduce the pay and allowances of officers hereby transferred to the line of the Navy below that now authorized for officers of the Staff Corps with corresponding rank and service.

No reduction in pay, etc.

SEC. 16. All laws or parts of laws so far as they are inconsistent with or in conflict with the provisions of this Act are hereby repealed.

Repeal of inconsistent laws.

SEC. 17. The Secretary of the Navy is hereby authorized and directed to appoint a board of officers of the Navy to investigate and report upon all matters concerning the status of line officers designated for specialized duty. The board shall make specific recommendations as to the advisability of establishing a technical staff corps as an adjunct to the line of the Navy, but separate therefrom, such recommendations to include proposed permanent legislation deemed necessary to give effect thereto. The Secretary of the Navy is further directed to cause the report of the board herein authorized to be transmitted to the Congress within ten days of the beginning of the session of the Seventy-seventh Congress, commencing on or about January 3, 1941.

Board of officers.

Recommendations.

Report to Congress.

Approved, June 25, 1940.

[CHAPTER 421]

AN ACT

June 25, 1940
[H. R. 8202]
[Public, No. 658]

Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes.

Department of Ag-
riculture Appropria-
tion Act, 1941.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Agriculture for the fiscal year ending June 30, 1941, namely:

OFFICE OF THE SECRETARY

SALARIES

Salaries.

Provisos.
Salary restriction.

42 Stat. 1488.
5 U. S. C. §§ 661-
674; Supp. V, §§ 673,
673c.

Restriction not ap-
plicable in designated
cases.

42 Stat. 1490.
5 U. S. C. § 666.

Stenographic re-
porting services.

Options to purchase
lands.

Allowances for liv-
ing quarters abroad.

46 Stat. 818.
Employees stationed
abroad.
Payments for rent,
etc., in advance.

For the Secretary of Agriculture, Under Secretary of Agriculture, Assistant Secretary, and for other personal services in the District of Columbia, and elsewhere, \$597,620: *Provided*, That in expending appropriations or portions of appropriations contained in this Act for the payment of personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the Assistant Secretary, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act as amended and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided further*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade, in the same or different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated: *Provided further*, That the Secretary of Agriculture is authorized to contract for stenographic reporting services, and the appropriations made in this Act shall be available for such purposes: *Provided further*, That the Secretary of Agriculture is authorized to expend from appropriations available for the purchase of lands not to exceed \$1 for each option to purchase any particular tract or tracts of land: *Provided further*, That not to exceed \$25,000 of the appropriations available for salaries and expenses of officers and employees of the Department of Agriculture permanently stationed in foreign countries may be used for payment of allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a): *Provided further*, That with the approval of the Secretary of Agriculture employees of the Department of Agriculture stationed abroad may enter into leases for official quarters, for periods not exceeding one year, and

may pay rent, telephone, subscriptions to publications, and other charges incident to the conduct of their offices and the discharge of their duties, in advance, in any foreign country where custom or practice requires payment in advance: *Provided further*, That no part of the funds appropriated by this Act shall be used for the payment of any officer or employee of the Department of Agriculture who, as such officer or employee, or on behalf of the Department or any division, commission, or bureau thereof, issues, or causes to be issued, any prediction, oral or written, or forecast with respect to future prices of cotton or the trend of same: *Provided further*, That no part of the funds appropriated by this Act shall be used for laboratory investigations to determine the possibly harmful effects on human beings of spray insecticides on fruits and vegetables.

Employees predicting, etc., future prices of cotton.

Laboratory investigations.

MISCELLANEOUS EXPENSES, DEPARTMENT OF AGRICULTURE

For stationery, supplies, materials, and equipment, freight, express, and drayage charges, advertising and press clippings, communication service, postage, washing towels, repairs, and alterations; for the maintenance, repair, and operation of one motorcycle and not to exceed three motor-propelled passenger-carrying vehicles (including one for the Secretary of Agriculture, one for general utility needs of the entire Department, and one for the Forest Service) and purchase of one motor-propelled passenger-carrying vehicle at not to exceed \$1,800, including the exchange value of one such vehicle, for official purposes only; for official travel expenses, including examination of estimates for appropriations in the field for any bureau, office, or service of the Department; and for other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, which are authorized by such officer as the Secretary may designate, \$105,000: *Provided*, That this appropriation shall be available for the payment of salaries of employees engaged in the maintenance, repair, and operation of motor-transport vehicles, and that this appropriation shall be reimbursed from the appropriation made for any bureau or office for which such service is performed, in accordance with the provisions of the Act of May 11, 1922 (5 U. S. C. 543): *Provided further*, That the Secretary of Agriculture, during the fiscal year for which this appropriation is made, may maintain stocks of stationery, supplies, equipment, and miscellaneous materials sufficient to meet, in whole or in part, requirements of the bureaus and offices of the Department in the city of Washington and elsewhere, but not to exceed in the aggregate \$200,000 in value at the close of the fiscal year, and the appropriations of such bureaus, offices, and agencies available for the purchase of stationery, supplies, equipment, and miscellaneous materials shall be available to reimburse the appropriation for miscellaneous expenses current at the time supplies are allotted, assigned, or issued, or when payment is received; for transfer for the purchase of inventory; and for transfer pursuant to the provisions of section 601 of the Act approved June 30, 1932 (31 U. S. C. 686): *Provided further*, That the appropriations made hereunder shall be available for the payment of salaries and expenses for purchasing, storing, handling, packing, or shipping supplies and blank forms, and there shall be charged proportionately as a part of the cost of supplies issued an amount to cover such salaries and expenses, and in the case of blank forms and supplies not purchased from this appropriation an amount to cover such salaries and expenses shall be charged proportionately to the proper appropria-

Miscellaneous expenses.

Prorisos.
Maintenance, etc., of vehicles; reimbursement.

42 Stat. 508.
Maintenance of stationery, etc., stocks.

Maximum value.
Reimbursement.

47 Stat. 417,
31 U. S. C., Supp.
V, § 686.
Purchasing, etc., supplies.

Use of central storehouse.

Segregation of transactions.

Purchase of designated twine.

tion: *Provided further*, That the facilities of the central storehouse of the Department shall to the fullest extent practicable be used to make unnecessary the maintenance of separate bureau storehouse activities in the Department: *Provided further*, That a separate schedule of expenditures, transfers of funds, or other transactions hereunder shall be included in the annual Budget: *Provided further*, That, except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated by this Act shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States.

RENT OF BUILDINGS IN THE DISTRICT OF COLUMBIA

Rent of buildings, D. C.

For rent of buildings and parts of buildings in the District of Columbia, for use of the various bureaus, divisions, and offices of the Department of Agriculture, \$165,502.

Total, Office of the Secretary, \$868,122.

OFFICE OF THE SOLICITOR

Salaries and expenses.

Salaries and expenses: For the employment of personal services in the District of Columbia and elsewhere, and for other necessary expenses, \$268,280, of which not to exceed \$223,581 may be expended for personal services in the District of Columbia.

OFFICE OF INFORMATION

SALARIES AND EXPENSES

Salaries and expenses.

For necessary expenses in connection with the publication, indexing, illustration, and distribution of bulletins, documents, and reports, including labor-saving machinery and supplies, envelopes, stationery and materials, office furniture and fixtures, photographic equipment and materials, artists' tools and supplies, telephone and telegraph service, freight and express charges; purchase and maintenance of bicycles; purchase of manuscripts; travel expenses; electrotypes, illustrations, and other expenses not otherwise provided for, \$350,000, of which not to exceed \$332,020 may be used for personal services in the District of Columbia.

Personal services.

PRINTING AND BINDING

Printing and binding.
Post, p. 567.

Annual Report of Secretary.
28 Stat. 601.
44 U. S. C., Supp. V, §§ 215, 215a.
38 Stat. 1110; 49 Stat. 1550.
5 U. S. C., Supp. V, § 108.
34 Stat. 825.
Farmers' bulletins.

40 Stat. 1270.

For all printing and binding for the Department of Agriculture, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, \$1,637,435, including the purchase of reprints of scientific and technical articles published in periodicals and journals; the Annual Report of the Secretary of Agriculture, as required by the Acts of January 12, 1895 (44 U. S. C. 111, 212-220, 222, 241, 244), March 4, 1915 (7 U. S. C. 418), and June 20, 1936 (5 U. S. C. 108), and in pursuance of the Act approved March 30, 1906 (44 U. S. C. 214, 224), and also including not to exceed \$250,000 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they shall direct, but not including work done at the field printing plants of the Weather Bureau and of the Forest Service authorized by the Joint Committee on Printing, in accordance with the Act approved March 1, 1919

(44 U. S. C. 111, 220): *Provided*, That the Secretary of Agriculture may transfer to this appropriation from the appropriation made for "Conservation and Use of Agricultural Land Resources" such sums as may be necessary for printing and binding in connection with marketing quotas under the Agricultural Adjustment Act of 1938, and from funds appropriated to carry into effect the terms of section 32 of the Act of August 24, 1935 (7 U. S. C. 612c), as amended, such sums as may be necessary for printing and binding in connection with the activities under said section 32, and from funds appropriated for parity payments under section 303 of the Agricultural Adjustment Act of 1938, such sums as may be necessary for printing and binding in connection with such payments: *Provided further*, That the total amount that may be transferred under the authority granted in the preceding proviso shall not exceed \$600,000.

Total, Office of Information, \$1,987,435.

Provisos.
Transfer of funds;
marketing quotas, etc.

52 Stat. 31.
7 U. S. C., Supp. V,
ch. 35.
49 Stat. 774.
7 U. S. C., Supp. V,
§ 612c.

52 Stat. 45.
7 U. S. C., Supp. V,
§ 1303.
Maximum amount.

LIBRARY, DEPARTMENT OF AGRICULTURE

Salaries and expenses: For purchase and exchange of books of reference, law books, technical and scientific books, periodicals, and for expenses incurred in completing imperfect series; not to exceed \$1,200 for newspapers; for dues, when authorized by the Secretary of Agriculture, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; for salaries in the city of Washington and elsewhere; for official travel expenses, and for library fixtures, library cards, supplies, and for all other necessary expenses, \$105,000, of which amount not to exceed \$75,250 may be expended for personal services in the District of Columbia.

Salaries and ex-
penses.

Personal services.

OFFICE OF EXPERIMENT STATIONS

PAYMENTS TO STATES, HAWAII, ALASKA, AND PUERTO RICO FOR AGRICULTURAL EXPERIMENT STATIONS

Hatch Act: To carry into effect the provisions of an Act approved March 2, 1887 (7 U. S. C. 362, 363, 365, 368, 377–379), entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an Act approved July 2, 1862 (7 U. S. C. 301–308), and of the Acts supplementary thereto", the sums apportioned to the several States, to be paid quarterly in advance, \$720,000.

Support of stations.
24 Stat. 440.
7 U. S. C., Supp. V,
§ 363.

12 Stat. 503.

Adams Act: To carry into effect the provisions of an Act approved March 16, 1906 (7 U. S. C. 369), entitled "An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof", and Acts supplementary thereto, the sums apportioned to the several States to be paid quarterly in advance, \$720,000.

Increased allotments.
34 Stat. 63.
7 U. S. C., Supp. V,
§ 369.

Purnell Act: To carry into effect the provisions of an Act entitled "An Act to authorize the more complete endowment of agricultural experiment stations", approved February 24, 1925 (7 U. S. C. 361, 366, 370, 371, 373–376, 380, 382), \$2,880,000.

Further allotments.
43 Stat. 970.

Hawaii: To carry into effect the provisions of an Act entitled "An Act to extend the benefits of certain Acts of Congress to the Territory of Hawaii", approved May 16, 1928 (7 U. S. C. 386–386b), \$67,500.

Hawaii.
45 Stat. 571.

Alaska: To carry into effect the provisions of an Act entitled "An Act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska", approved February 23, 1929

Alaska.
45 Stat. 1256.

(7 U. S. C. 386c), \$15,000; and the provisions of section 2 of the Act entitled "An Act to extend the benefits of the Adams Act, the Purnell Act, and the Capper-Ketcham Act to the Territory of Alaska, and for other purposes", approved June 20, 1936 (7 U. S. C. 369a), \$10,000; in all, for Alaska, \$25,000.

Puerto Rico: To carry into effect the provisions of an Act entitled "An Act to coordinate the agricultural experiment station work and to extend the benefits of certain Acts of Congress to the Territory of Puerto Rico", approved March 4, 1931 (7 U. S. C. 386d-386f), \$50,000.

Research, etc. Title I, Bankhead-Jones Act: For payments to States, Hawaii, Alaska, and Puerto Rico, pursuant to authorizations contained in title I of an Act entitled "An Act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges", approved June 29, 1935 (7 U. S. C. 427-427g), \$2,400,000.

In all, payments to States, Hawaii, Alaska, and Puerto Rico for agricultural experiment stations, \$6,862,500.

SALARIES AND EXPENSES

Administration of grants to States, etc. To enable the Secretary of Agriculture to enforce the provisions of the Acts approved March 2, 1887, March 16, 1906, February 24, 1925, May 16, 1928, February 23, 1929, March 4, 1931, and June 20, 1936, and Acts amendatory or supplementary thereto (7 U. S. C. 361-386f), relative to their administration and for the administration of an agricultural experiment station in Puerto Rico, including the employment of persons and means in the city of Washington and elsewhere, \$161,735; and the Secretary of Agriculture shall prescribe the form of the annual financial statement required under the above Acts, ascertain whether the expenditures are in accordance with their provisions, coordinate the research work of the Department of Agriculture and coordinate the research work of the Department with that of the State agricultural colleges and experiment stations in the lines authorized in said Acts, and make report thereon to Congress.

Insular experiment stations. Insular experiment stations: To enable the Secretary of Agriculture to establish and maintain an agricultural experiment station in Puerto Rico, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, \$83,000: *Provided*, That the Secretary of Agriculture may, at his discretion, transfer such property and equipment, including the library, of the Hawaii Experiment Station, formerly maintained by the Department of Agriculture, as he may deem necessary and advisable to the experiment station of the University of Hawaii, which has been conducted jointly and in collaboration with the former Federal station under the Act of May 16, 1928 (7 U. S. C. 386-386b); and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment station in Puerto Rico, and the amount obtained from the sale thereof shall be covered into the Treasury of the United States as miscellaneous receipts.

Form of annual financial statement, etc. In all, salaries and expenses, \$244,735.

Transfer of equipment. Total, Office of Experiment Stations, \$7,107,235, of which amount not to exceed \$150,105 may be expended for personal services in the District of Columbia, and not to exceed \$750 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

Sale of products. Vehicles.

SPECIAL RESEARCH FUND, DEPARTMENT OF AGRICULTURE

For enabling the Secretary of Agriculture to carry into effect the provisions of an Act entitled "An Act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges", approved June 29, 1935 (7 U. S. C. 427, 427b, 427c, 427f); for administration of the provisions of section 5 of the said Act, and for special research work, including the planning, programming, coordination, and printing the results of such research, to be conducted by such agencies of the Department of Agriculture as the Secretary of Agriculture may designate or establish, and to which he may make allotments from this fund, including the employment of persons and means in the District of Columbia and elsewhere, and the purchase, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia, \$1,400,000.

Administrative expenses.

49 Stat. 436.
7 U. S. C., Supp. V,
§§ 427-427f.

EXTENSION SERVICE

PAYMENTS TO STATES, HAWAII, ALASKA, AND PUERTO RICO

Capper-Ketcham extension work: To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act entitled 'An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts', approved July 2, 1862 (7 U. S. C. 301-308), and all Acts supplementary thereto, and the United States Department of Agriculture", approved May 22, 1928 (7 U. S. C. 343a, 343b), \$1,480,000.

Further cooperation with State colleges.

12 Stat. 503.

45 Stat. 711.
7 U. S. C., Supp. V,
§§ 343a, 343b.

Cooperative extension work.

7 U. S. C., Supp. V,
§ 343c-1.

Extension work, Act of April 24, 1939: To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to provide for the further development of cooperative agricultural extension work", approved April 24, 1939 (53 Stat. 589), \$203,000.

Cooperative State agricultural extension work.

Extension work, section 21, Bankhead-Jones Act: To enable the Secretary of Agriculture to carry into effect the provisions of section 21, title II, of the Act entitled "An Act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges", approved June 29, 1935 (7 U. S. C. 343c), \$12,000,000.

49 Stat. 438.
7 U. S. C., Supp. V,
§ 343c.

Alaska.

45 Stat. 1256.

Alaska: To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska", approved February 23, 1929 (7 U. S. C. 386c), \$13,918; and the provisions of section 3 of the Act entitled "An Act to extend the benefits of the Adams Act, the Purnell Act, and the Capper-Ketcham Act to the Territory of Alaska, and for other purposes", approved June 20, 1936 (7 U. S. C. 343e), \$10,000; in all, for Alaska, \$23,918.

49 Stat. 1554.
7 U. S. C., Supp. V,
§ 343e.

Puerto Rico.

Puerto Rico: To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to extend the benefits of section 21 of the Bankhead-Jones Act to Puerto Rico", approved August 28, 1937 (7 U. S. C. 343f-343g), \$90,000.

50 Stat. 881.
7 U. S. C., Supp. V,
§§ 343f, 343g.

In all, payments to States, Hawaii, Alaska, and Puerto Rico for agricultural extension work, \$13,796,918.

SALARIES AND EXPENSES

Administration and coordination of extension work.

38 Stat. 372.

Extension information.
Exhibits, motion pictures, etc.

Cooperation with other bureaus, etc.

Personal services.

Administration and coordination of extension work: For the employment of persons and means in the District of Columbia and elsewhere to enable the Secretary of Agriculture to administer the provisions of the Smith-Lever Act, approved May 8, 1914 (7 U. S. C. 341-348), and Acts amendatory or supplementary thereto, and to coordinate the extension work of the Department and the several States, Territories, and insular possessions, \$550,000.

Extension information: For the employment of persons and means in the District of Columbia and elsewhere for the development, preparation, distribution, and display by the Extension Service of exhibits, motion pictures, sound recordings, and other educational and informational media and for the dissemination of information, designed to increase the effectiveness of the cooperative extension work of the Department and the land-grant colleges in agriculture and home economics; and to cooperate with other bureaus and offices of the Department of Agriculture and with Federal, State, county, municipal, and other agencies, including State, interstate, international, and other fairs held within the United States, in such development, preparation, distribution, and display of such educational and informational material, \$240,000.

In all, salaries and expenses, \$790,000, of which amount not to exceed \$667,756 may be expended for personal services in the District of Columbia.

Total, Extension Service, \$14,586,918.

OFFICE OF FOREIGN AGRICULTURAL RELATIONS

Salaries and expenses.
46 Stat. 497.
Cooperation with other agencies, etc.

Cooperation with American republics.

22 U. S. C., Supp. V, §§ 249, 249a.

Salaries and expenses: For carrying out the functions of the Secretary of Agriculture under the Act of June 5, 1930 (7 U. S. C., 541-545), independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the production, transportation, marketing, and distribution of farm and food products; to enable the Secretary of Agriculture to cooperate with American republics, as provided for by the Act approved August 9, 1939 (53 Stat. 1290), and including the employment of persons and means in the District of Columbia and elsewhere, and the purchase of such books and periodicals and not to exceed \$500 for newspapers as may be necessary in connection with this work, \$196,396.

Grand total, Office of the Secretary of Agriculture, \$26,519,386.

WEATHER BUREAU

SALARIES AND EXPENSES

Salaries and expenses.
Post, p. 641.

26 Stat. 653.
15 U. S. C., Supp. V, § 313.

52 Stat. 1014.
49 U. S. C., Supp. V, § 603.

For the employment of persons and means required for carrying into effect in the District of Columbia and elsewhere in the United States, in the West Indies, in the Panama Canal, the Caribbean Sea, and on adjacent coasts, in the Hawaiian Islands, in Bermuda, and in Alaska the provisions of an Act approved October 1, 1890 (15 U. S. C. 311-313, 317), so far as they relate to the weather service transferred thereby to the Department of Agriculture, and section 803 of the Civil Aeronautics Act of 1938 (49 U. S. C. 603); for repair, alterations, and improvements to existing buildings and care and preservation of grounds, including the construction of necessary outbuildings and sidewalks on public streets, abutting Weather Bureau grounds; for the erection of temporary buildings for living quarters of

observers; for telephone rentals, and for telegraphing, telephoning, and cabling reports and messages, rates to be fixed by the Secretary of Agriculture by agreement with the companies performing the service; for the establishment, equipment, and maintenance of meteorological offices and stations and for the issuing of weather forecasts and warnings of storms, cold waves, frosts, and heavy snows, the gaging and measuring of the flow of rivers and the issuing of river forecasts and warnings; for observations and reports relating to crops; for promoting the safety and efficiency of aircraft, as provided by section 803 of the Civil Aeronautics Act of 1938, and for observing, measuring, and investigating atmospheric phenomena; and for other necessary observations and reports, including cooperation with other bureaus of the Government and societies and institutions of learning as follows:

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, \$145,000.

Observations, warnings, and general weather service: For necessary expenses incident to collecting and disseminating meteorological, aerological, climatological, and marine information, and for investigations in meteorology, climatology, seismology, evaporation, and aerology in the District of Columbia and elsewhere, \$6,173,870, of which not to exceed \$1,500 may be expended for the contribution of the United States to the cost of the office of the secretariat of the International Meteorological Committee, and not to exceed \$10,000 may be expended for the maintenance of a printing office in the city of Washington for the printing of weather maps, bulletins, circulars, forms, and other publications: *Provided*, That no printing shall be done by the Weather Bureau that can be done at the Government Printing Office without impairing the service of said Bureau.

Total, salaries and expenses, Weather Bureau, \$6,318,870, of which amount not to exceed \$732,342 may be expended for departmental personal services in the District of Columbia: *Provided*, That Weather Bureau part-time employees, appointed by designation or otherwise, under regulations of the Civil Service Commission, for observational work, may perform odd jobs in the installation, repair, improvement, alteration, cleaning, or removal of Government property and receive compensation therefor at rates of pay to be fixed by the Secretary of Agriculture.

Telegraphing, etc.

Issuance of forecasts and warnings.

Promoting safety, etc., of aircraft.
52 Stat. 1014.
49 U. S. C., Supp. V, § 603.

Administrative expenses.

Observations, warnings, and general weather service.
Post, p. 1040.

International Meteorological Committee.

Printing office.

Proviso.
Restriction.

Total; personal services.

Proviso.
Part-time employees.

BUREAU OF ANIMAL INDUSTRY

SALARIES AND EXPENSES

For the employment of persons and means in the District of Columbia and elsewhere for carrying out the provisions of the Act, as amended, establishing a Bureau of Animal Industry, and related Acts; and the Secretary of Agriculture, upon application of any exporter, importer, packer, owner, agent of, or dealer, in livestock, hides, skins, meat, or other animal products, may, in his discretion, make inspections and examinations at places other than the headquarters of inspectors for the convenience of said applicants and charge the applicants for the expenses of travel and subsistence incurred for such inspections and examinations, the funds derived from such charges to be deposited in the Treasury of the United States to the credit of the appropriation from which the expenses are paid; collect and disseminate information concerning livestock and animal products; prepare and disseminate reports on animal industry; purchase in the open market samples of all tuberculin,

Salaries and expenses.
23 Stat. 31.
7 U. S. C. § 391.

Inspection at other than headquarters.

Preparation, etc., of reports.

Purchase and destruction of diseased, etc., animals.	serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States, for the detection, prevention, treatment, or cure of diseases of domestic animals, test the same, and disseminate the results of said tests in such manner as he may deem best, and purchase and destroy diseased or exposed animals, including poultry, or quarantine the same whenever in his judgment essential to prevent the spread of pleuro-pneumonia, tuberculosis, contagious poultry diseases, or other diseases of animals from one State to another, as follows:
Administrative expenses.	General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, \$170,120.
Animal husbandry.	Animal husbandry: For investigations and experiments in animal husbandry; for experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations and other agencies, including repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, \$824,380, including \$12,500 for livestock experiments and demonstrations at Big Spring or elsewhere in Texas, to be available only when the State of Texas, or other cooperating agency in Texas, shall have appropriated an equal amount or, in the opinion of the Secretary of Agriculture, shall have furnished its equivalent in value in cooperation for the same purpose during the fiscal year for which appropriations are herein made: <i>Provided</i> , That of the sum thus appropriated \$243,957 may be used for experiments in poultry feeding and breeding, of which amount \$45,000 may be used in cooperation with State authorities in the administration of regulations for the improvement of poultry, poultry products, and hatcheries.
Demonstrations in Texas.	Diseases of animals: For scientific investigations of diseases of animals, including the construction of necessary buildings at Beltsville, Maryland, and necessary expenses for investigations of tuberculin, serums, antitoxins, and analogous products, \$462,000: <i>Provided</i> , That of said sum \$78,182 may be used for researches concerning the cause, modes of spread, and methods of treatment and prevention of the disease of contagious abortion of animals.
<i>Proviso.</i> Experiments in poultry feeding and breeding.	Eradicating tuberculosis and Bang's disease: For the control and eradication of the diseases of tuberculosis and paratuberculosis of animals, avian tuberculosis, and Bang's disease of cattle, \$4,300,000, together with the unobligated balances of the funds reappropriated under this head for the fiscal year 1940 by the Agricultural Appropriation Act for that year from unobligated balances of funds made available by the Act of May 25, 1934 (48 Stat. 805), and section 37 of the Act of August 24, 1935 (7 U. S. C. 612b): <i>Provided</i> , That in carrying out the purpose of this appropriation, if in the opinion of the Secretary of Agriculture it shall be necessary to condemn and destroy tuberculous or paratuberculous cattle, or cattle reacting to the test for Bang's disease, and if such animals have been destroyed, condemned, or die after condemnation, he may, in his discretion, and in accordance with such rules and regulations as he may prescribe, expend in the city of Washington or elsewhere such sums as he shall determine to be necessary for the payment of indemnities to owners of such animals but, except as hereinafter provided, no part of the money hereby appropriated shall be used in compensating owners of such cattle except in cooperation with and supplementary to payments to be made by State, Territory, county, or municipality where condemnation of such cattle shall take place, nor shall any payment be made hereunder as compensation for or on account of any such animal if at the time of inspection or test, or at the time of condemnation thereof, it shall belong to or be upon the premises of any person,
Diseases of animals. Beltsville, Md., station.	
<i>Proviso.</i> Contagious abortion of animals.	
Tuberculosis and Bang's disease.	
Reappropriation. 53 Stat. 949.	
49 Stat. 775. 7 U. S. C., Supp. V, § 612b. <i>Provisos.</i> Indemnities for destroyed animals.	
State, etc., cooperation.	

firm, or corporation to which it has been sold, shipped, or delivered for the purpose of being slaughtered: *Provided further*, That out of the money hereby appropriated no payment as compensation for any cattle condemned for slaughter shall exceed one-third of the difference between the appraised value of such cattle and the value of the salvage thereof; that no payment hereunder shall exceed the amount paid or to be paid by the State, Territory, county, and municipality where the animal shall be condemned; and that in no case shall any payment hereunder be more than \$25 for any grade animal or more than \$50 for any purebred animal: *Provided further*, That not to exceed \$195,000 of the amount herein made available may be used for continuation of scientific experimentation in diseases of livestock as authorized by section 37 of the Act of August 24, 1935 (7 U. S. C. 612b).

Eradicating cattle ticks: For the eradication of southern cattle ticks, \$325,000: *Provided*, That, except upon the written order of the Secretary of Agriculture, no part of this appropriation shall be used for the purchase of animals or in the purchase of materials for or in the construction of dipping vats upon land not owned solely by the United States, except at fairs or expositions where the Department of Agriculture makes exhibits or demonstrations; nor shall any part of this appropriation be used in the purchase of materials or mixtures for use in dipping vats except in experimental or demonstration work carried on by the officials or agents of the Bureau of Animal Industry: *Provided further*, That not to exceed \$5,000 of the amount herein made available may be used to purchase and supply beef to the Seminole Indians of the Big Cypress Swamp area, Hendry County, Florida, during the time that deer infested with cattle ticks are being removed from said area and until such area is restocked with deer.

Hog-cholera control: For the control and eradication of hog cholera and related swine diseases, by such means as may be necessary, including demonstrations, the formation of organizations, and other methods, either independently or in cooperation with farmers' associations, State or county authorities, \$112,728.

Inspection and quarantine: For inspection and quarantine work, including the eradication of scabies in sheep and cattle and dourine in horses, the inspection of southern cattle, the supervision of the transportation of livestock, and the inspection of vessels, the execution of the twenty-eight-hour law, the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and repairs, alterations, improvements, or additions to buildings thereon; the inspection work relative to the existence of contagious diseases, and the mallein testing of animals, \$603,500.

Meat inspection: For expenses in carrying out the provisions of the Meat Inspection Act of June 30, 1906, as amended by the Act of March 4, 1907, as extended to equine meat by the Act of July 24, 1919 (21 U. S. C. 71-96), as authorized by section 2 (a) of the Act of June 26, 1934 (31 U. S. C. 725a), and as further amended by the Act of June 29, 1938 (21 U. S. C. 91), including the purchase of printed tags, labels, stamps, and certificates without regard to existing laws applicable to public printing, \$5,433,000.

Virus Serum Toxin Act: For carrying out the provisions of the Act approved March 4, 1913 (21 U. S. C. 151-158), regulating the preparation, sale, barter, exchange, or shipment of any virus, serum, toxin, or analogous product manufactured in the United States and the importation of such products intended for use in the treatment of domestic animals, \$218,712.

Limitation on amount of compensation.

Experimentation.

49 Stat. 775.
7 U. S. C., Supp. V, § 612b.
Cattle ticks.

Provisos.
Purchase of animals.
Purchase of materials for dipping vats.

Purchase of beef for Seminole Indians, Fla.

Hog-cholera control.

Inspection and quarantine.

Meat inspection.
34 Stat. 674, 1260; 41 Stat. 241; 48 Stat. 1225; 52 Stat. 1235.
21 U. S. C., Supp. V, § 91.

Virus Serum Toxin Act.
37 Stat. 832.

Marketing agree-
ments, hog cholera
virus and serum.
48 Stat. 38.
7 U. S. C. § 612;
Supp. V, § 612.

49 Stat. 781.
7 U. S. C., Supp. V,
§§ 851-855.

Marketing agreements with respect to hog cholera virus and serum: The sum of \$30,000 of the appropriation made by section 12 (a) of the Agricultural Adjustment Act, approved May 12, 1933, is hereby made available during the fiscal year for which appropriations are herein made to carry into effect sections 56 to 60 inclusive, of the Act approved August 24, 1935 (7 U. S. C. 851-855), entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", including the employment of persons and means in the District of Columbia and elsewhere.

In all, salaries and expenses, Bureau of Animal Industry, \$12,449,440.

ERADICATION OF FOOT-AND-MOUTH AND OTHER CONTAGIOUS DISEASES OF ANIMALS

Emergency eradica-
tion of foot-and-mouth,
etc., diseases.

Funds available.

Payment of claims.

Provisos.
Basis of appraise-
ments.

Eradication of Euro-
pean fowl pest, etc.

43 Stat. 682.

Total; personal serv-
ices, etc.

In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals, which, in the opinion of the Secretary of Agriculture, threatens the livestock industry of the country, he may expend in the city of Washington or elsewhere any unexpended balances of appropriations heretofore made for this purpose in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all lawful quarantine regulations: *Provided*, That the payment for animals hereafter purchased may be made on appraisement based on the meat, dairy, or breeding value, but in case of appraisement based on breeding value no appraisement of any animal shall exceed three times its meat or dairy value, and, except in case of an extraordinary emergency, to be determined by the Secretary of Agriculture, the payment by the United States Government for any animals shall not exceed one-half of any such appraisements: *Provided further*, That the sum of \$5,000 of the unexpended balance of the appropriation of \$3,500,000 contained in the Second Deficiency Appropriation Act, fiscal year 1924, approved December 5, 1924, for the eradication of the foot-and-mouth disease and other contagious or infectious diseases of animals, is hereby made available during the fiscal year for which appropriations are herein made to enable the Secretary of Agriculture to control and eradicate the European fowl pest and similar diseases in poultry.

Total, Bureau of Animal Industry, \$12,449,440, of which amount not to exceed \$685,702 may be expended for departmental personal services in the District of Columbia, and not to exceed \$100,000 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

BUREAU OF DAIRY INDUSTRY

SALARIES AND EXPENSES

43 Stat. 243.

For carrying out the provisions of the Act approved May 29, 1924 (7 U. S. C. 401-404), establishing a Bureau of Dairying, for salaries in the city of Washington and elsewhere, and for all other necessary expenses, as follows:

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of the Chief of Bureau and other personal services in the District of Columbia, \$75,500.

Administrative expenses.

Dairy investigations: For conducting investigations, experiments, and demonstrations in dairy industry, cooperative investigations of the dairy industry in the various States, and inspection of renovated-butter factories, including repairs to buildings, not to exceed \$5,000 for the construction of buildings, \$655,905.

Dairy investigations.

Total, salaries and expenses, Bureau of Dairy Industry, \$731,405, of which amount not to exceed \$353,580 may be expended for personal services in the District of Columbia.

Total; personal services.

BUREAU OF PLANT INDUSTRY

SALARIES AND EXPENSES

For the investigation of fruits, fruit trees, grain, cotton, tobacco, vegetables, grasses, forage, drug, medicinal, poisonous, fiber, and other plants and plant industries, and of soils and soil-plant relationships, in cooperation with other branches of the Department, the State experiment stations, and practical farmers; for the erection of necessary farm buildings: *Provided*, That the cost of any building erected, except head houses connecting greenhouses, shall not exceed \$2,500; and for the employment of persons and means in the city of Washington and elsewhere required for the investigations, experiments, and demonstrations herein authorized, as follows:

Investigation of fruits, etc.

Farm buildings.

Proviso.
Limitation on cost; exception.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, \$209,942.

Administrative expenses.

Arlington Farm: For continuing the necessary improvements to establish and maintain a general experiment farm and agricultural station on the Arlington estate, in the State of Virginia, in accordance with the provisions of the Act of Congress approved April 18, 1900 (31 Stat. 135, 136), \$49,414.

Arlington Farm.

Botany: For investigation, improvement, and utilization of wild plants and grazing lands, and for determining the distribution of weeds and means of their control, \$76,635, of which \$40,000 shall be expended for scientific investigation concerning control and eradication of whitetop, bind weed, and other noxious weeds.

Wild plants and grazing lands; weeds.

Cereal crops and diseases: For the investigation and improvement of cereals, including corn, and methods of cereal production and for the study and control of cereal diseases, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, and for the investigation and improvement of broomcorn and methods of broomcorn production, \$500,000.

Cereal crops and diseases.

Cotton and other fiber crops and diseases: For investigation of the production of cotton and other fiber crops, including the improvement by cultural methods, breeding, and selection, fiber yield and quality, and the control of diseases, \$408,345, of which sum not less than \$14,700 shall be used for experimenting in Sea Island cotton, including its hybridization with other varieties.

Cotton and other fiber crops and diseases.

Sea Island cotton.

Drug and related plants: For the investigation, testing, and improvement of plants yielding drugs, spices, poisons, oils, and related products and byproducts, \$43,500.

Drug and related plants.

Dry-land agriculture: For the investigation and improvement of methods of crop production under subhumid, semiarid, or dry-land conditions, \$226,828: *Provided*, That no part of this appropriation shall be used for the establishment of any new field station.

Dry-land agriculture.

Proviso.
Restriction.

Experimental green-
house maintenance.

Experimental greenhouse maintenance: For maintenance and operation of experimental greenhouses and adjacent experimental grounds and plots, \$77,372.

Fertilizer investiga-
tions.

Fertilizer investigations: For investigations within the United States of fertilizers, fertilizer ingredients, including phosphoric acid and potash, and other soil amendments and their suitability for agricultural use, \$240,000.

Forage crops and
diseases.

Forage crops and diseases: For the investigation and improvement of forage crops, including grasses, alfalfas, clovers, soybeans, lespe-dezas, vetches, cowpeas, field peas, and miscellaneous legumes; for the investigation of green-manure crops and cover crops; for investigations looking to the improvement of pastures; and for the investigation of forage-crop diseases and methods of control, \$300,000.

Forest pathology.

Forest pathology: For the investigation of diseases of forest and ornamental trees and shrubs, including a study of the nature and habits of the parasitic fungi causing the chestnut-tree bark disease, the white-pine blister rust, and other epidemic tree diseases, for the purpose of discovering new methods of control and applying methods of eradication or control already discovered, and including \$110,969 for investigations of diseases of forest trees and forest products, under section 3 of the Act approved May 22, 1928 (16 U. S. C. 581b), \$245,000.

45 Stat. 701.

Fruit and vegetable
crops and diseases.

Fruit and vegetable crops and diseases: For investigation and control of diseases, for improvement of methods of culture, propagation, breeding, selection, and related activities concerned with the production of fruits, nuts, vegetables, ornamentals, and related plants, for investigation of methods of harvesting, packing, shipping, storing and utilizing these products, and for studies of the physiological and related changes of such products during processes of marketing and while in commercial storage, \$1,300,000.

Genetics and bio-
physics.

Genetics and biophysics: For biophysical investigations in connection with the various lines of work herein authorized, \$25,000.

Irrigation agricul-
ture.
Post, p. 639.

Irrigation agriculture: For investigations of crop production on irrigable lands, the quality of irrigation water and its use by crops, and methods for improving and maintaining the productivity of irrigated soils, \$133,500.

Mycology and dis-
ease survey.

Mycology and disease survey: For mycological collections and the maintenance of a plant-disease survey, \$45,818.

National Arbore-
tum.

National Arboretum: For the maintenance and development of the National Arboretum established under the provisions of the Act entitled "An Act authorizing the Secretary of Agriculture to establish a National Arboretum, and for other purposes", approved March 4, 1927 (20 U. S. C. 191-194), erection of buildings, employment of persons and means in the city of Washington and elsewhere, and traveling expenses of employees and advisory council, \$54,587, of which such amounts as may be necessary may be expended by contract or otherwise for the services of consulting landscape architects without reference to the Classification Act of 1923, as amended, or civil-service rules.

44 Stat. 1422.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.
Nematology.

Nematology: For crop technological investigations, including the study of plant-infesting nematodes, \$48,961.

Plant exploration
and introduction.

Plant exploration and introduction: For investigations in seed and plant introduction, including the study, collection, purchase, testing, propagation, and distribution of rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries and from our possessions, for experiments with reference to their introduction and cultivation in this country, and for investigation of their diseases, \$224,533.

Soil chemical and physical investigations: For chemical, physical, and physical-chemical investigations of soil types, soil composition, and soil minerals, the soil solution, solubility of soil, and all chemical and physical properties of soils in their relation to soil formation, soil texture, erosibility, and soil productivity, \$70,000.

Soil chemical, etc., investigations.

Soil-fertility investigations: For soil investigations into causes of infertility; maintenance of productivity; effects of soil composition, cultural methods, and fertilizers on yield and quality of crops; and the properties, composition, formation, and transformation of soil organic matter, \$121,622.

Soil-fertility investigations.

Soil microbiology investigations: For investigations of the micro-organisms of the soil and their activities, including the testing of samples procured in the open market, of cultures for inoculating legumes, other crops, or soil, and the publication of results, and if any such samples are found to be impure, nonviable, or misbranded, the results of the tests may be published, together with the names of the manufacturers and of the persons by whom the cultures were offered for sale, \$39,854.

Soil-microbiology investigations.

Publication of results.

Soil survey: For the investigation of soils and their origin, for survey of the extent of classes and types, and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations and surveys, \$275,000.

Soil survey.

Sugar-plant investigations: For sugar-plant investigations, including studies of diseases and the improvement of sugar beets and sugar-beet seed, \$315,000.

Sugar-plant investigations.

Tobacco investigations: For the investigation and improvement of tobacco and the methods of tobacco production and handling, \$140,544.

Tobacco investigations.

Total, salaries and expenses, Bureau of Plant Industry, \$5,171,455, of which amount not to exceed \$1,655,147 may be expended for departmental personal services in the District of Columbia and not to exceed \$12,520 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

Total; personal services.

Vehicles.

FOREST SERVICE

SALARIES AND EXPENSES

For the employment of persons and means in the District of Columbia and elsewhere to enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building purchased, erected, or as improved, exclusive of the cost of constructing a water-supply or sanitary system and of connecting the same with any such building, and exclusive of the cost of any tower upon which a lookout house may be erected, shall not exceed \$7,500, with the exception that any building erected, purchased, or acquired, the cost of which was \$7,500 or more, may be improved out of the appropriations made under this Act for the Forest Service by an amount not to exceed 2 per centum of the cost of such building

Experiments and investigations on forestry, etc.

Restriction.

Provisos.
Limitation on cost of buildings; exception.

Protection, etc., of
national forests.

Care of fish and
game.

Medical supplies,
etc.

Warehouse main-
tenance, etc.

Rent of equipment
to other Federal agen-
cies.

Administrative ex-
penses.

36 Stat. 963.

National forest pro-
tection and manage-
ment.

Aerial fire control.

Maintenance of
roads and trails.

Proviso.
Direct purchases,
etc.

as certified by the Secretary of Agriculture; to protect, administer, and improve the national forests, including tree planting and other measures to prevent erosion, drift, surface wash, soil waste, and the formation of floods, and to conserve water and including the payment of rewards under regulations of the Secretary of Agriculture for information leading to the arrest and conviction for violation of the laws and regulations relating to fires in or near national forests, or for the unlawful taking of, or injury to, Government property; to ascertain the natural conditions upon and utilize the national forests, to transport and care for fish and game supplied to stock the national forests or the waters therein; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase lawbooks, reference and technical books, and technical journals for officers of the Forest Service stationed outside of Washington, and for medical supplies and services and other assistance necessary for the immediate relief of artisans, laborers, and other employees engaged in any hazardous work under the Forest Service: *Provided further*, That the appropriations for the work of the Forest Service shall be available for meeting the expenses of warehouse maintenance and the procurement, care, and handling of supplies, equipment, and materials stored therein for distribution to projects under the supervision of the Forest Service and for sale and distribution to other Government activities and to State and private agencies who cooperate with the Forest Service in fire control under terms of written cooperative agreements, the cost of such supplies, equipment, and materials, including the cost of supervision, transportation, warehousing, and handling, to be reimbursed to appropriations current at the time additional supplies and materials are procured for warehouse stocks: *Provided further*, That the Forest Service may rent equipment to other Federal agencies at rates sufficient to reimburse the appropriations of the Forest Service that would otherwise be chargeable with the cost of the repair, maintenance, and depreciation of such equipment, as follows:

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of the Chief Forester, for the necessary expenses of the National Forest Reservation Commission as authorized by section 14 of the Act of March 1, 1911 (16 U. S. C. 514), and for other personal services in the District of Columbia, \$600,000.

National forest protection and management: For the administration, protection, use, maintenance, improvement, and development of the national forests, including the establishment and maintenance of forest tree nurseries, including the procurement of tree seed and nursery stock by purchase, production, or otherwise, seeding and tree planting and the care of plantations and young growth; the maintenance and operation of aerial fire control by contract or otherwise; the maintenance of roads and trails and the construction and maintenance of all other improvements necessary for the proper and economical administration, protection, development, and use of the national forests, including experimental areas under Forest Service administration: *Provided*, That where, in the opinion of the Secretary of Agriculture, direct purchases will be more economical than construction, improvements may be purchased; the construction, equipment, and maintenance of sanitary, fire preventive, and recreational facilities; control of destructive forest tree diseases and insects; timber cultural operations; development and application of fish and game management plans; propagation and transplanting of plants suitable for planting on semiarid portions of the national forests; estimating and appraising of timber and other resources and develop-

ment and application of plans for their effective management, sale, and use; examination, classification, surveying, and appraisal of land incident to effecting exchanges authorized by law and of lands within the boundaries of the national forests that may be opened to homestead settlement and entry under the Act of June 11, 1906, and the Act of August 10, 1912 (16 U. S. C. 506-509), as provided by the Act of March 4, 1913 (16 U. S. C. 512); and all expenses necessary for the use, maintenance, improvement, protection, and general administration of the national forests, including lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted under the Act of March 1, 1911 (16 U. S. C. 521), and the Act of June 7, 1924 (16 U. S. C. 471, 499, 505, 564-570), lands transferred by authority of the Secretary of Agriculture from the Resettlement Administration to the Forest Service, and lands transferred to the Forest Service under authority of the Bankhead-Jones Farm Tenant Act, \$11,500,000: *Provided*, That \$200 of this appropriation shall be available for the expenses of properly caring for the graves of fire fighters buried at Wallace, Idaho; Newport, Washington; and Saint Maries, Idaho: *Provided further*, That in sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by the Act of May 23, 1908 (16 U. S. C. 500), and the Act of March 4, 1913 (16 U. S. C. 501), shall be based upon the stumpage value of the timber: *Provided further*, That there is hereby reappropriated for the fiscal year ending June 30, 1941, for the same purpose as originally appropriated any balance of the appropriation "National Forest Protection and Management" contained in the First Deficiency Appropriation Act, fiscal year 1939 (Public, Numbered 7, Seventy-sixth Congress), which remains unobligated on June 30, 1940.

Water rights: For the investigation and establishment of water rights, including the purchase thereof or of lands or interests in lands or rights-of-way for use and protection of water rights necessary or beneficial in connection with the administration and public use of the national forests, \$20,000.

Fighting forest fires: For fighting and preventing forest fires on or threatening the national forests and unappropriated public forest lands, \$100,000, which amount shall be immediately available.

Private forestry cooperation: For cooperation with and advice to timberland owners and associations, wood-using industries or other appropriate agencies in the application of forest management principles to Federally-owned lands leased to States and to private forest lands, so as to attain sustained yield management, the conservation of the timber resource, the productivity of forest lands, and the stabilization of employment and economic continuance of forest industries, \$100,000.

Forest research: For forest research in accordance with the provisions of sections 1, 2, 7, 8, 9, and 10 of the Act entitled "An Act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects", approved May 22, 1928, as amended (16 U. S. C. 581, 581a, 581f-581i), as follows:

Forest management: Fire, silvicultural, and other forest investigations and experiments under section 2, as amended, at forest experiment stations or elsewhere, \$605,000.

34 Stat. 233; 37 Stat. 287, 842.

Maintenance, etc., of national forests.

36 Stat. 963; 43 Stat. 653.

50 Stat. 522, 7 U. S. C., Supp. V, ch. 33.

Provisos.
Care of graves of fire fighters.

Sale of forest products.

35 Stat. 260; 37 Stat. 843.

16 U. S. C., Supp. V, § 501a.
Reappropriation.

53 Stat. 513.

Water rights.

Fighting forest fires.

Private forestry cooperation.

Forest research.

45 Stat. 699, 16 U. S. C., Supp. V, § 581a.

Forest management.
16 U. S. C. § 581a; Supp. V, § 581a.

Range investiga-
tions.
16 U. S. C. § 581f.

Forest products.
16 U. S. C. § 581g.

Forest survey.
16 U. S. C. § 581h.

Forest economics.
16 U. S. C. § 581i.

Forest influences.

Total; additional
from contributions.

43 Stat. 1132.

38 Stat. 430.

Provisos.
Personal services.

Contributions to
designated organiza-
tions.

Range investigations: Investigations and experiments to develop improved methods of management of forest and other ranges under section 7, at forest or range experiment stations or elsewhere, \$270,935.

Forest products: Experiments, investigations, and tests of forest products under section 8, at the Forest Products Laboratory, or elsewhere, \$632,500.

Forest survey: A comprehensive forest survey under section 9, \$250,000.

Forest economics: Investigations in forest economics under section 10, \$140,000.

Forest influences: For investigations and experiments at forest experiment stations or elsewhere for determining and demonstrating the influence of natural vegetative cover characteristic of forest, range, or other wild land on water conservation, flood control, stream-flow regulation, erosion, climate, and maintenance of soil productivity, and for developing preventive and control measures therefor, \$135,000.

In all, salaries and expenses, \$14,353,435; and in addition thereto there are hereby appropriated all moneys received as contributions toward cooperative work under the provisions of section 1 of the Act approved March 3, 1925 (16 U. S. C. 572), which funds shall be covered into the Treasury and constitute a part of the special funds provided by the Act of June 30, 1914 (16 U. S. C. 498): *Provided*, That not to exceed \$859,319 may be expended for departmental personal services in the District of Columbia: *Provided further*, That not to exceed \$1,500 may be expended for the contribution of the United States to the cost of the office of the secretariat of the International Union of Forest Research Stations and of the Department of Timber Utilization of the Comité International du Bois.

FOREST-FIRE COOPERATION

Cooperation with
States, etc.

43 Stat. 653.

Study of tax laws,
etc.

Personal services.

For cooperation with the various States or other appropriate agencies in forest-fire prevention and suppression and the protection of timbered and cut-over lands in accordance with the provisions of sections 1, 2, and 3 of the Act entitled "An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote continuous production of timber on lands chiefly valuable therefor", approved June 7, 1924, as amended (16 U. S. C. 564-570), including also the study of the effect of tax laws and the investigation of timber insurance as provided in section 3 of said Act, \$2,200,000, of which not to exceed \$65,540 shall be available for departmental personal services in the District of Columbia and not to exceed \$2,500 for the purchase of supplies and equipment required for the purposes of said Act in the District of Columbia.

NEW ENGLAND HURRICANE DAMAGE

Completion of Fed-
eral undertaking.

Forest-fire suppres-
sion, etc.

Reappropriation.
53 Stat. 513.

For completion of the Federal undertaking: For reduction of the extreme forest-fire hazard, for intensification of forest-fire patrol and forest-fire suppression on State, county, municipal, and private forest lands in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, resulting from or made necessary by the New England hurricane of September 1938, including the employment of persons and means in the District of Columbia, and elsewhere, printing and binding, purchase, exchange, operation, and maintenance of passenger-carrying vehicles, and other necessary expenses, \$300,000, together with any balance of the appropriation "New England Hurricane Damage" contained in the First

Deficiency Appropriation Act, fiscal year 1939 (Public, Numbered 7, Seventy-sixth Congress), which remains unobligated on June 30, 1940: *Provided*, That section 3709, Revised Statutes (41 U. S. C. 5), shall not apply in the case of any expenditure hereunder where the aggregate amount involved does not exceed \$300: *Provided further*, That of the amount herein appropriated, the Federal Government shall not expend in any State an amount in excess of the amount heretofore or hereafter made available by said State, or the political subdivisions thereof, for the purposes contained in this paragraph.

Provisos.
Minor purchases.

State, etc., contributions.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

For the acquisition of forest lands under the provisions of the Act approved March 1, 1911, as amended (16 U. S. C. 513-519, 521), under sound commercial title satisfactory to the Attorney General as provided in said Act, including the transfer to the Office of the Solicitor of such funds for the employment by that office of persons and means in the District of Columbia and elsewhere as may be necessary in connection with the acquisition of such lands, \$1,000,000: *Provided*, That not to exceed \$80,000 of the sum appropriated in this paragraph may be expended for departmental personal services in the District of Columbia.

Acquisition of forest lands.
36 Stat. 961.

Proviso.
Personal services.

For the acquisition of land to facilitate the control of soil erosion and flood damage originating within the exterior boundaries of the following national forests, in accordance with the provisions of the following Acts authorizing annual appropriations of forest receipts for such purposes, and in not to exceed the following amounts from such receipts: Uinta and Wasatch National Forests, Utah, Act of August 26, 1935 (49 Stat. 866), \$40,000; Cache National Forest, Utah, Act of May 11, 1938 (52 Stat. 347), \$6,000; San Bernardino and Cleveland National Forests in Riverside County, California, Act of June 15, 1938 (52 Stat. 699), \$15,000; Nevada and Toiyabe National Forests, Nevada, Act of June 25, 1938 (52 Stat. 1205), \$10,000; in all, \$71,000.

Control of soil erosion and flood damage.

Ante, p. 298.

Total, Forest Service, \$17,924,435, of which amount not to exceed \$61,628 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia, and in addition thereto there is authorized for expenditure from funds provided for carrying out the provisions of the Federal Highway Act of November 9, 1921 (23 U. S. C. 21, 23), not to exceed \$9,755 for the purchase of motor-propelled passenger-carrying vehicles for use by the Forest Service in the construction and maintenance of national-forest roads.

Total.
Vehicles.

42 Stat. 217.

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (23 U. S. C. 23), including not to exceed \$59,500 for departmental personal services in the District of Columbia, \$9,000,000, which sum consists of the balance of the amount authorized to be appropriated for the fiscal year 1940 and \$2,000,000 of the amount authorized to be appropriated for the fiscal year 1941 by the Act approved June 8, 1938 (52 Stat. 635), to be immediately available and to remain available until expended: *Provided*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased or constructed under this authorization shall not exceed \$7,500.

Development, etc.
42 Stat. 218.
23 U. S. C., Supp. V,
§ 23a.

53 Stat. 977.

Proviso.
Buildings for storage of equipment, etc.

Limitation on cost.

BUREAU OF AGRICULTURAL CHEMISTRY AND ENGINEERING

SALARIES AND EXPENSES

Investigations, etc.	For investigations, experiments, and demonstrations hereinafter authorized, independently or in cooperation with other branches of the Department of Agriculture, other departments or agencies of the Federal Government, States, State agricultural experiment stations, universities, and other State agencies and institutions, counties, municipalities, business, farm, or other organizations and corporations, individuals, associations, and scientific societies, including the employment of necessary persons and means in the city of Washington and elsewhere; and for erection, alteration, and repair of buildings outside the District of Columbia at a total cost not to exceed \$15,000, as follows:
Administrative expenses.	General administrative expenses: For necessary expenses for general administrative purposes, including the salary of Chief of Bureau and other personal services in the District of Columbia, \$105,300.
Agricultural chemical investigations. 12 Stat. 387.	Agricultural chemical investigations: For conducting the investigations contemplated by the Act of May 15, 1862 (5 U. S. C. 511, 512), relating to the application of chemistry to agriculture; for the biological, chemical, physical, microscopical, and technological investigation of foods, feeds, drugs, plant and animal products, and substances used in the manufacture thereof; for investigations of the physiological effects and for the pharmacological testing of such products and of insecticides; for the investigation and development of methods for the manufacture of sugars, sugar sirups, and starches and the utilization of new agricultural materials for such purposes; for the technological investigation of the utilization of fruits and vegetables and for frozen pack investigations; for the investigation of chemicals for the control of noxious weeds and plants; and to cooperate with associations and scientific societies in the development of methods of analysis, \$379,606.
Cooperation with scientific societies, etc.	
Industrial utilization of farm products, etc.	Industrial utilization of farm products and byproducts: For the investigation, development, experimental demonstration, and application of methods for the industrial utilization of agricultural products, waste, and byproducts, and products made therefrom, except as otherwise provided for in this Act, by the application of chemical, physical, and technological methods, including the changes produced by microorganisms such as yeasts, bacteria, molds, and fungi, the utilization for color, medicinal, and technical purposes of substances grown or produced in the United States, \$22,550.
Agricultural engineering investigations.	Agricultural engineering investigations: For investigations, experiments, and demonstrations involving the application of engineering principles to agriculture for the investigation, development, experimental demonstration, for investigating and reporting upon the different kinds of farm power and appliances; upon farm domestic water supply and sewage disposal, upon the design and construction of farm buildings and their appurtenances and of buildings for processing and storing farm products; upon farm power and mechanical farm equipment and rural electrification, upon the engineering problems relating to the processing, transportation, and storage of perishable and other agricultural products; and upon the engineering problems involved in adapting physical characteristics of farm land to the use of modern farm machinery; for investigations of cotton ginning under the Act approved April 19, 1930 (7 U. S. C., 424, 425); for giving expert advice and assistance in agricultural and chemical
Cotton ginning. 45 Stat. 248.	

engineering; for collating, reporting, and illustrating the results of investigations and preparing, publishing, and distributing bulletins, plans, and reports, \$304,469.

Naval-stores investigations: For the investigation of naval stores (turpentine and rosin) and their components; the investigation and experimental demonstration of improved equipment, methods, or processes of preparing naval stores; the weighing, storing, handling, transportation, and utilization of naval stores; and for the assembling and compilation of data on production, distribution, and consumption of turpentine and rosin, pursuant to the Act of August 15, 1935 (5 U. S. C. 556b), \$93,400.

Total, salaries and expenses, Bureau of Agricultural Chemistry and Engineering, \$905,325, of which amount not to exceed \$457,602 may be expended for personal services in the District of Columbia, and not to exceed \$3,725 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

Naval-stores investigations.

49 Stat. 653.
5 U. S. C., Supp. V, § 556b.
Total; personal services.

Vehicles.

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

SALARIES AND EXPENSES

For necessary expenses connected with investigations, experiments, and demonstrations for the promotion of economic entomology, for investigating and ascertaining the best means of destroying insects and related pests injurious to agriculture, for investigating and importing useful and beneficial insects and bacterial, fungal, and other diseases of insects and related pests, for investigating and ascertaining the best means of destroying insects affecting man and animals, to enable the Secretary of Agriculture to carry into effect the provisions of the Plant Quarantine Act of August 20, 1912, as amended, to conduct other activities hereinafter authorized, and for the eradication, control, and prevention of spread of injurious insects and plant pests, independently or in cooperation with other branches of the Federal Government, States, counties, municipalities, corporations, agencies, individuals, or with foreign governments; including the employment of necessary persons and means in the District of Columbia and elsewhere, rent, construction, or repair of necessary buildings outside the District of Columbia: *Provided*, That, unless otherwise specifically provided, the cost for the construction of any building shall not exceed \$1,500 and the total amount expended for such construction in any one year shall not exceed \$7,000, as follows:

Investigations, etc.

Plant Quarantine Act.
37 Stat. 315.
7 U. S. C., ch. 8; Supp. V, ch. 8.

Provided.
Cost of buildings.

Administrative expenses.

General administrative expenses: For general administrative purposes, including the salary of Chief of Bureau and other personal services, \$166,280.

Fruit insects: For insects affecting fruits, grapes, and nuts, \$424,600.

Fruit insects.

Japanese beetle control: For the control and prevention of spread of the Japanese beetle, \$395,000.

Japanese beetle control.
Post, p. 640.
Sweetpotato weevil control.

Sweetpotato weevil control: For the determination and application of such methods of control for sweetpotato weevils as, in the judgment of the Secretary of Agriculture, may be necessary, \$70,000: *Provided*, That, in the discretion of the Secretary of Agriculture, no part of this appropriation shall be expended for the control of sweetpotato weevil in any State until such State has provided cooperation necessary to accomplish this purpose: *Provided further*, That no part of this appropriation shall be used to pay the cost or value of farm animals, farm crops, or other property injured or destroyed.

Provided.
State cooperation.

No indemnities.

Mexican fruitfly control.

Mexican fruitfly control: For the control and prevention of spread of the Mexican fruitfly, including necessary surveys and control operations in Mexico in cooperation with the Mexican Government or local Mexican authorities, \$167,960.

Citrus canker eradication.

Citrus canker eradication: For determining and applying such methods of eradication or control of the disease of citrus trees known as "citrus canker" as in the judgment of the Secretary of Agriculture may be necessary, including cooperation with such authorities of the States concerned, organizations of growers, or individuals, as he may deem necessary to accomplish such purposes, \$13,485: *Provided*, That no part of the money herein appropriated shall be used to pay the cost or value of trees or other property injured or destroyed.

Proviso.
No indemnities.

Gypsy, etc., moth control.

Gypsy and brown-tail moth control: For the control and prevention of spread of the gypsy and brown-tail moths, \$375,000.

Dutch elm disease eradication.

Dutch elm disease eradication: For determining and applying methods of eradication, control, and prevention of spread of the disease of elm trees known as "Dutch elm disease" and of a virus disease of elm trees prevalent in the Ohio Valley, \$400,000, to be immediately available: *Provided*, That, in the discretion of the Secretary of Agriculture, no expenditures from this appropriation shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities, or by individuals, or organizations concerned: *Provided further*, That no part of this appropriation shall be used to pay the cost or value of trees or other property injured or destroyed.

Provisos.
State, etc., contributions.

No indemnities.

Phony peach, etc., eradication.

Phony peach and peach mosaic eradication: For determining and applying such methods of eradication, control, and prevention of spread of the diseases of peach trees known as "phony peach" and "peach mosaic" as in the judgment of the Secretary of Agriculture may be necessary, including cooperation with such authorities of the States concerned, organizations of growers, or individuals, as he may deem necessary to accomplish such purposes, including the certification of products out of the infested areas to meet the requirements of State quarantines, \$89,800: *Provided*, That no part of the money herein appropriated shall be used to pay the cost or value of trees or other property injured or destroyed.

Proviso.
No indemnities.

Forest insects.
45 Stat. 701.

Forest insects: For insects affecting forests and forest products, under section 4 of the Act approved May 22, 1928 (16 U. S. C. 581c), entitled "An Act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects", and for insects affecting ornamental trees and shrubs, \$212,500.

Blister rust control.

Blister rust control: For applying such methods of eradication, control, and prevention of spread of the white pine blister rust as in the judgment of the Secretary of Agriculture may be necessary to accomplish such purposes, and in the discretion of the Secretary of Agriculture no expenditures shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities, or by individuals or organizations concerned, \$400,000: *Provided*, That no part of this appropriation shall be used to pay the cost or value of trees or other property injured or destroyed.

State, etc., contributions.

Proviso.
No indemnities.

Truck crop and garden insects: For insects affecting truck crops, ornamental and garden plants, including tobacco, sugar beets, and greenhouse and bulbous crops, \$366,580.

Truck crop and garden insects.

Cereal and forage insects: For insects affecting cereal and forage crops, including sugarcane and rice, and including research on the European corn borer, \$379,500.

Cereal and forage insects.

European corn borer control: For the control and prevention of spread of the European corn borer and for the certification of products out of the infested areas to meet the requirements of State quarantines on account of the European corn borer, \$27,939.

European corn borer control.

Barberry eradication: For the eradication of the common barberry and for applying such other methods of eradication, control, and prevention of spread of cereal rusts as in the judgment of the Secretary of Agriculture may be necessary to accomplish such purposes, \$162,500: *Provided*, That, in the discretion of the Secretary of Agriculture, no expenditures from this appropriation shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by States, counties, or local authorities, or by individuals or organizations for the accomplishment of such purposes: *Provided further*, That no part of the money herein appropriated shall be used to pay the cost or value of property injured or destroyed.

Barberry eradication.

Provisos.
State, etc., contributions.

No indemnities.

Cotton insects: For insects affecting cotton, \$144,544.

Cotton insects.

Pink bollworm and *Thurberia* weevil control: For the control and prevention of spread of the *Thurberia* weevil and the pink bollworm, including the establishment of such cotton-free areas as may be necessary to stamp out any infestation, and for necessary surveys and control operations in Mexico in cooperation with the Mexican Government or local Mexican authorities, \$526,800.

Pink bollworm and *Thurberia* weevil control.

Cooperation with Mexico.

Bee culture: For bee culture and apiary management, \$83,000.

Bee culture.

Insects affecting man and animals: For insects affecting man, household possessions, and animals, \$181,500.

Insects affecting man and animals.

Insect-pest survey and identification: For the identification and classification of insects, including taxonomic, morphological, and related phases of insect-pest control and the maintenance of an insect-pest survey for the collection and dissemination of information to Federal, State, and other agencies concerned with insect-pest control, \$154,790.

Insect-pest survey and identification.

Foreign parasites: For administrative expenses in connection with the introduction of natural enemies of injurious insects and related pests and for the exchange with other countries of useful and beneficial insects and other arthropods, \$38,000.

Foreign parasites.

Control investigations: For developing equipment or apparatus to aid in enforcing plant quarantines, eradication and control of plant pests, determining methods of disinfecting plants and plant products to eliminate injurious pests, determining the toxicity of insecticides, and related phases of insect-pest control, \$72,518, of which not less than \$10,000 shall be used for methyl bromide investigations.

Control investigations.

Insecticide and fungicide investigations: For the investigation and development of methods of manufacturing insecticides and fungicides, and for investigating chemical problems relating to the composition, action, and application of insecticides and fungicides, \$125,000.

Insecticide and fungicide investigations.

Transit inspection: For the inspection in transit or otherwise of articles quarantined under the Act of August 20, 1912 (7 U. S. C. 161, 164a), as amended, and for the interception and disposition of materials found to have been transported interstate in violation of quarantines promulgated thereunder, \$44,059.

Transit inspection.
37 Stat. 315.

Foreign plant quarantines: For enforcement of foreign plant quarantines, at the port of entry and port of export, and to prevent the movement of cotton and cottonseed from Mexico into the United

Foreign plant quarantines.
Mexican cotton and cottonseed.

Railway cars, etc.;
inspection.

Proviso.
Receipts.

Certification of ex-
ports.

Proviso.
Receipts.

Total; personal serv-
ices.

Vehicles.

States, including the regulation of the entry into the United States of railway cars and other vehicles, and freight, express, baggage, or other materials from Mexico, and the inspection, cleaning, and disinfection thereof, including construction and repair of necessary buildings, plants, and equipment, for the fumigation, disinfection, or cleaning of products, railway cars, or other vehicles entering the United States from Mexico, \$680,000: *Provided*, That any moneys received in payment of charges fixed by the Secretary of Agriculture on account of such cleaning and disinfection shall be covered into the Treasury as miscellaneous receipts.

Certification of exports: For the inspection, under such rules and regulations as the Secretary of Agriculture may prescribe, of domestic plants and plant products when offered for export and to certify to shippers and interested parties as to the freedom of such products from injurious plant diseases and insect pests according to the sanitary requirements of the foreign countries affected and to make such reasonable charges and to use such means as may be necessary to accomplish this object, \$31,862: *Provided*, That moneys received on account of such inspection and certification shall be covered into the Treasury as miscellaneous receipts.

Total, salaries and expenses, Bureau of Entomology and Plant Quarantine, \$5,733,217, of which amount not to exceed \$868,458 may be expended for personal services in the District of Columbia, and not to exceed \$40,900 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

BUREAU OF AGRICULTURAL ECONOMICS

SALARIES AND EXPENSES

Salaries and ex-
penses.

Administrative ex-
penses.

Economic investiga-
tions.

Proviso.
Transfer of funds.

Total; personal serv-
ices.

For the employment of such persons and means in the city of Washington and elsewhere as may be necessary in conducting investigations, experiments, and demonstrations, either independently or in cooperation with public or private agencies, organizations, or individuals, as follows:

General administrative expenses: For necessary expenses for general administrative purposes, including personal services in the District of Columbia, \$88,900.

Economic investigations: For acquiring and diffusing useful information among the people of the United States, and for aiding in formulating programs for authorized activities of the Department of Agriculture, relative to agricultural production, distribution, land utilization, and conservation in their broadest aspects, including farm management and practice, utilization of farm and food products, purchasing of farm supplies, farm population and rural life, farm labor, farm finance, insurance and taxation, adjustments in production to probable demand for the different farm and food products; land ownership and values, costs, prices and income in their relation to agriculture, including causes for their variations and trends, \$775,000: *Provided*, That the Secretary may transfer to this appropriation from the funds available for authorized activities of the Department of Agriculture, such sums as may be necessary for aiding in formulating programs for such authorized activities, including expenditures for employment of persons and means in the District of Columbia and elsewhere.

Total, salaries and expenses, Bureau of Agricultural Economics, \$863,900, of which amount not to exceed \$823,358 may be expended for personal services in the District of Columbia.

AGRICULTURAL MARKETING SERVICE

SALARIES AND EXPENSES

For the employment of such persons and means in the city of Washington and elsewhere as may be necessary in conducting investigations, experiments, and demonstrations, either independently or in cooperation with public or private agencies, organizations, or individuals, as follows:

General administrative expenses: For necessary expenses for general administrative purposes, including personal services in the District of Columbia, \$157,306.

Marketing farm products: For acquiring and diffusing among the people of the United States useful information relative to the standardization, classification, grading, preparation for market, handling, and marketing of farm and food products, including the demonstration and promotion of the use of uniform standards of classification of American farm and food products throughout the world, \$400,000: *Provided*, That samples, illustrations, practical forms, or sets of the grades recommended or promulgated by the Secretary of Agriculture for farm or food products may be sold under such rules and regulations as he may prescribe, and the receipts therefrom deposited in the Treasury to the credit of miscellaneous receipts.

Crop and livestock estimates: For collecting, compiling, abstracting, analyzing, summarizing, interpreting, and publishing data relating to agriculture, including crop and livestock estimates, acreage, yield, grades, staples of cotton, stocks, and value of farm crops and numbers, grades, and value of livestock and livestock products on farms, in cooperation with the Extension Service and other Federal, State, and local agencies, and for the collection and publication of statistics of peanuts as provided by the Act approved June 24, 1936, as amended May 12, 1938 (7 U. S. C. 951-957), \$725,000: *Provided*, That no part of the funds herein appropriated shall be available for any expense incident to ascertaining, collating, or publishing a report stating the intention of farmers as to the acreage to be planted in cotton: *Provided further*, That estimates of apple production shall be confined to the commercial crop.

Market inspection of farm products: For enabling the Secretary of Agriculture, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of businessmen or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, or canned, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That certificates issued by the authorized agents of the Department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained, \$459,000.

Salaries and expenses.

Administrative expenses.

Marketing farm products.

Proviso.
Sale of samples, etc.

Crop and livestock estimates.

Peanut statistics.
49 Stat. 1898; 52 Stat. 348.
7 U. S. C., Supp. V, §§ 951-957.
Provisos.
Cotton acreage.

Apple production.

Market inspection of farm products.

Proviso.
Certificates as prima facie evidence.

Tobacco Inspection,
etc., Acts.

49 Stat. 731.
7 U. S. C., Supp. V,
§§ 511-511q.
45 Stat. 1079.
7 U. S. C., Supp. V,
§§ 501, 502, 505.

Market news serv-
ice.

New Orleans, La.

Perishable Agricul-
tural Commodities
and Produce Agency
Acts.

46 Stat. 531.
7 U. S. C., Supp. V,
ch. 20A.

44 Stat. 1355.
7 U. S. C., Supp. V,
§ 492.
Standard Container
Acts.

39 Stat. 673.

45 Stat. 685.

Cotton quality sta-
tistics and classing
Acts.

44 Stat. 1372; 50
Stat. 62.
7 U. S. C., Supp. V,
§§ 473a-473c.

Cotton Futures Act.
39 Stat. 476; 40 Stat.
1351.

Cotton Standards
Act.
42 Stat. 1517.

Tobacco Inspection and Tobacco Stocks and Standards Acts: To enable the Secretary of Agriculture to carry into effect the provisions of an Act entitled "An Act to establish and promote the use of standards of classification for tobacco, to provide and maintain an official tobacco-inspection service, and for other purposes", approved August 23, 1935 (7 U. S. C. 511-511q), and an Act entitled "An Act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture", approved January 14, 1929 (7 U. S. C. 501-508), as amended, \$433,000.

Market news service: For collecting, publishing, and distributing, by telegraph, mail, or otherwise, timely information on the market supply and demand, commercial movement, location, disposition, quality, condition, and market prices of livestock, meats, fish, and animal products, dairy and poultry products, fruits and vegetables, peanuts and their products, grain, hay, feeds, cottonseed, and seeds, and other agricultural products, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the production, transportation, marketing, and distribution of farm and food products, \$1,125,000, of which \$5,000 shall be available for the maintenance of a market news service at New Orleans, Louisiana.

Perishable Agricultural Commodities and Produce Agency Acts: To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce", as amended (7 U. S. C. 499a-499r), and the Act entitled "An Act to prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others and to require them truly and correctly to account for all farm produce received by them", approved March 3, 1927 (7 U. S. C. 491-497), \$152,000.

Standard Container Acts: To enable the Secretary of Agriculture to carry into effect the Act entitled "An Act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes", approved August 31, 1916 (15 U. S. C. 251-256), and the Act entitled "An Act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes", approved May 21, 1928 (15 U. S. C. 257-257i), \$10,000.

Cotton quality statistics and classing Acts: To enable the Secretary of Agriculture to carry into effect the Act entitled "An Act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton", approved March 3, 1927, as amended by the Act entitled "An Act authorizing the Secretary of Agriculture to provide for the classification of cotton, to furnish information on market supply, demand, location, condition, and market prices for cotton, and for other purposes", approved April 13, 1937 (7 U. S. C. 471-476), \$465,000.

United States Cotton Futures and United States Cotton Standards Acts: To enable the Secretary of Agriculture to perform the duties imposed upon him by the United States Cotton Futures Act, as amended March 4, 1919 (26 U. S. C. 1090-1106), and to carry into effect the provisions of the United States Cotton Standards Act, approved March 4, 1923 (7 U. S. C. 51-65), including such means as may be necessary for effectuating agreements heretofore or hereafter made with cotton associations, cotton exchanges, and other cotton organizations in foreign countries, for the adoption, use, and

observance of universal standards of cotton classification, for the arbitration or settlement of disputes with respect thereto, and for the preparation, distribution, inspection, and protection of the practical forms or copies thereof under such agreements, \$490,000.

United States Grain Standards Act: To enable the Secretary of Agriculture to carry into effect the provisions of the United States Grain Standards Act, \$723,941.

United States Warehouse Act: To enable the Secretary of Agriculture to carry into effect the provisions of the United States Warehouse Act, \$450,000.

Federal Seed Act: To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to regulate interstate and foreign commerce in seeds; to require labeling and to prevent misrepresentation of seeds in interstate commerce; to require certain standards with respect to certain imported seeds; and for other purposes", approved August 9, 1939 (53 Stat. 1275-1290), \$85,000: *Provided*, That not to exceed \$250 of this amount may be used for meeting the share of the United States in the expenses of the International Seed Testing Congress in carrying out plans for correlating the work of the various adhering governments on problems relating to seed analysis or other subjects which the Congress may determine to be necessary in the interest of international seed trade.

Packers and Stockyards Act: For carrying out the provisions of the Packers and Stockyards Act, approved August 15, 1921, as amended by the Act of August 14, 1935 (7 U. S. C. 181-229), \$381,879: *Provided*, That the Secretary of Agriculture may require reasonable bonds from every market agency and dealer, under such rules and regulations as he may prescribe, to secure the performance of their obligations, and whenever, after due notice and hearing, the Secretary finds any registrant is insolvent or has violated any provisions of said Act he may issue an order suspending such registrant for a reasonable specified period. Such order of suspension shall take effect within not less than five days, unless suspended or modified or set aside by the Secretary of Agriculture or a court of competent jurisdiction: *Provided further*, That the Secretary of Agriculture may, whenever necessary, authorize the charging and collection from owners of a reasonable fee for the inspection of brands appearing upon livestock subject to the provisions of the said Act for the purpose of determining the ownership of such livestock: *Provided further*, That such fee shall not be imposed except upon written request made to the Secretary of Agriculture by the Board of Livestock Commissioners, or duly organized livestock association of the States from which such livestock have originated or been shipped to market.

Total, salaries and expenses, Agricultural Marketing Service, \$6,057,126, of which amount not to exceed \$1,531,578 may be expended for personal services in the District of Columbia, and not to exceed \$40,100 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

BUREAU OF HOME ECONOMICS

SALARIES AND EXPENSES

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of Chief of Bureau and other personal services in the District of Columbia, \$31,735.

Home economics investigations: For conducting either independently or in cooperation with other agencies, investigations of the

Universal standards of cotton classification.

Grain Standards Act.
39 Stat. 482.
7 U. S. C. §§ 71-87.

Warehouse Act.
39 Stat. 486.
7 U. S. C. §§ 241-273.

Federal Seed Act.

7 U. S. C., Supp. V,
§§ 1551, 1561-1610.
Proviso,
International Seed
Testing Congress.

Packers and Stock-
yards Act.
42 Stat. 159; 49 Stat.
648.
7 U. S. C., Supp. V,
§§ 218-218d.
Provisos,
Bonds from agencies
and dealers.

Suspension.

Inspection fee.

When imposed.

Total; personal serv-
ices.

Vehicles.

Administrative ex-
penses.

Home economics in-
vestigations.

relative utility and economy of agricultural products for food, clothing, and other uses in the home, with special suggestions of plans and methods for the more effective utilization of such products for these purposes, and such economic investigations, including housing and household buying, as have for their purpose the improvement of the rural home, and for disseminating useful information on this subject, including the employment of persons and means in the District of Columbia and elsewhere, \$291,310.

Total; personal services.

Total, salaries and expenses, Bureau of Home Economics, \$323,045, of which amount not to exceed \$286,599 may be expended for personal services in the District of Columbia.

ENFORCEMENT OF THE COMMODITY EXCHANGE ACT

49 Stat. 1491.
7 U. S. C., Supp. V,
§§ 1-17a.

To enable the Secretary of Agriculture to carry into effect the provisions of the Commodity Exchange Act, as amended (7 U. S. C. 1-17a), \$575,000, of which amount not to exceed \$207,840 may be expended for personal services in the District of Columbia.

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

Salaries and expenses.

For all necessary expenses, for chemical apparatus, chemicals, and supplies, repairs to apparatus, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, for the employment of such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purposes named, in the city of Washington and elsewhere, in conducting investigations; collecting, reporting, and illustrating the results of such investigations; and for rent outside the District of Columbia for carrying out the investigations and work herein authorized, as follows:

Administrative expenses.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of administration and other personal services in the District of Columbia, \$100,802.

Federal Food, Drug, and Cosmetic Act.
52 Stat. 1040.
21 U. S. C., Supp. V, §§ 301-392.

Enforcement of the Federal Food, Drug, and Cosmetic Act: For enabling the Secretary of Agriculture to carry into effect the provisions of the Act of June 25, 1938, entitled "An Act to prohibit the movement in interstate commerce of adulterated and misbranded food, drugs, devices, and cosmetics, and for other purposes", as amended (21 U. S. C. 301-392); to cooperate with associations and scientific societies in the revision of the United States Pharmacopoeia and development of methods of analysis, and for investigating the character of the chemical and physical tests which are applied to American food products in foreign countries, and for inspecting the same before shipment when desired by the shippers or owners of these products intended for countries where chemical and physical tests are required before the said products are allowed to be sold therein, \$2,328,080: *Provided*, That not more than \$4,280 shall be used for travel outside the United States.

Revision of U. S. Pharmacopoeia.

Proviso.
Travel outside U. S.

Naval Stores Act.
42 Stat. 1435.

Naval Stores Act: For enabling the Secretary of Agriculture to carry into effect the provisions of the Naval Stores Act of March 3, 1923 (7 U. S. C. 91-99), \$34,700.

Insecticide Act.
36 Stat. 331.

Enforcement of the Insecticide Act: For enabling the Secretary of Agriculture to carry into effect the provisions of the Act of April 26, 1910 (7 U. S. C. 121-134), entitled "An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded

paris greens, lead arsenates, other insecticides, and also fungicides, and for regulating traffic therein, and for other purposes", \$193,180.

Enforcement of the Milk Importation Act: For enabling the Secretary of Agriculture to carry into effect the provisions of an Act approved February 15, 1927 (21 U. S. C. 141-149), entitled "An Act to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health", \$19,241.

Enforcement of the Caustic Poison Act: For enabling the Secretary of Agriculture to carry into effect the provisions of an Act approved March 4, 1927 (15 U. S. C. 401-411), entitled "An Act to safeguard the distribution and sale of certain dangerous caustic or corrosive acids, alkalies, and other substances in interstate and foreign commerce", \$24,741.

Enforcement of the Filled Milk Act: For enabling the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to prohibit the shipment of filled milk in interstate or foreign commerce", approved March 4, 1923, as amended by the Act of August 27, 1935 (21 U. S. C. 61-64), \$10,000.

Enforcement of the Sea Food Inspectors Act: For personal services of sea food inspectors designated to examine and inspect sea food and the production, packing, and labeling thereof upon the application of any packer of any sea food for shipment or sale within the jurisdiction of the Federal Food and Drugs Act, in accordance with the provisions of an Act entitled "An Act to amend section 10A of the Federal Food and Drugs Act of June 30, 1906, as amended", approved August 27, 1935 (21 U. S. C. 14a), \$40,000.

Total, salaries and expenses, Food and Drug Administration, \$2,750,744, of which amount not to exceed \$832,198 may be expended for personal services in the District of Columbia, and not to exceed \$27,375 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

Milk Importation Act.
44 Stat. 1101.

Caustic Poison Act.
44 Stat. 1406.

Filled Milk Act.
42 Stat. 1486; 49 Stat. 885.
21 U. S. C., Supp. V, § 64.

Sea Food Inspectors Act.
34 Stat. 768; 49 Stat. 871.
21 U. S. C. §§ 1-5, 7-15; Supp. V, § 14a.

Total; personal services.

Vehicles.

SOIL CONSERVATION SERVICE

SALARIES AND EXPENSES

To carry out the provisions of an Act entitled "An Act to provide for the protection of land resources against soil erosion, and for other purposes", approved April 27, 1935 (16 U. S. C. 590a-590f), which provides for a national program of erosion control and soil and moisture conservation to be carried out directly and in cooperation with other agencies; including the employment of persons and means in the District of Columbia and elsewhere, purchase of books and periodicals, maintenance, repair, and operation of one passenger-carrying automobile in the District of Columbia, furnishing of subsistence to employees, training of employees, and the purchase and erection of permanent buildings: *Provided*, That the cost of any building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same with any such building, shall not exceed \$2,500 except where buildings are acquired in conjunction with land being purchased for other purposes and except for ten buildings to be constructed at a cost not to exceed \$15,000 per building: *Provided further*, That no money appropriated in this Act shall be available for the construction of any such building on land not owned by the Government: *Provided further*, That during the fiscal year for which appropriations are herein made the appropriations for the work of the Soil

Salaries and expenses.

49 Stat. 163.
16 U. S. C., Supp. V, §§ 590a-590f.

Provides.
Cost of buildings.

Construction on nongovernmental land, restriction.

Warehouse maintenance, etc.

Reproduction of
aerial photographs,
etc.

Administrative ex-
penses.

Proviso.
Restriction.

Soil and moisture
conservation and land-
use investigations, etc.

Proviso.
Nursery stock,
funds available.

Emergency erosion
control, Everglades re-
gion, Fla.

Proviso.
State, etc., contri-
bution.

Total; personal serv-
ices.

Vehicles.

Conservation Service shall be available for meeting the expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment stored therein for distribution to projects under the supervision of the Soil Conservation Service and for sale and distribution to other Government activities, the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling), to be reimbursed to appropriations current at the time additional supplies, materials, or equipment are procured from the appropriations chargeable with the cost or value of such supplies, materials, or equipment: *Provided further*, That reproductions of such aerial or other photographs, mosaics, and maps as shall be required in connection with the authorized work of the Soil Conservation Service may be furnished at the cost of reproduction to Federal, State, county, or municipal agencies requesting such reproductions, the money received from such sales to be deposited in the Treasury to the credit of this appropriation; as follows:

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of the Chief of the Soil Conservation Service and other personal services in the District of Columbia, \$550,000: *Provided*, That no part of the money appropriated in this paragraph shall be available for expenditure if any emergency appropriations are made available for administrative expenses in administering the funds provided in regular appropriations to the Soil Conservation Service.

Soil and moisture conservation and land-use investigations: For research and investigations into the character, cause, extent, history, and effects of erosion, soil and moisture depletion and methods of soil and moisture conservation (including the construction and hydrologic phases of farm irrigation and land drainage); and for construction, operation, and maintenance of experimental watersheds, stations, laboratories, plots, and installations, \$1,500,000.

Soil and moisture conservation and land-use operations, demonstrations, and information: For carrying out preventive measures to conserve soil and moisture, including such special measures as may be necessary to prevent floods and the siltation of reservoirs, and including the improvement of farm irrigation and land drainage, the establishment and operation of erosion nurseries, the making of conservation plans and surveys, and the dissemination of information, \$18,965,750: *Provided*, That any part of this appropriation allocated for the production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating States for the production or procurement of nursery stock, shall remain available for expenditure for not more than three fiscal years.

Emergency erosion control, Everglades region, Florida: For research and demonstration work in soil conservation control measures, including research and demonstration work in fire control and irrigation construction work to eliminate fire hazards, in the Everglades region of Florida, \$75,000: *Provided*, That no expenditures shall be made for these purposes until a sum at least equal to such expenditures shall have been made available by the State of Florida, or a political subdivision thereof, for the same purposes.

Total, salaries and expenses, Soil Conservation Service, \$21,090,750, of which not to exceed \$1,724,174 may be expended for personal services in the District of Columbia, and not to exceed \$200,000 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

CONSERVATION AND USE OF AGRICULTURAL LAND RESOURCES, DEPARTMENT OF AGRICULTURE

To enable the Secretary of Agriculture to carry into effect the provisions of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended (16 U. S. C. 590g-590q), and the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281-1407) (except the making of payments pursuant to sections 303 and 381 and the provisions of titles IV and V), including the employment of persons and means in the District of Columbia and elsewhere; rent in the District of Columbia; not to exceed \$50,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States; purchase of law books, books of reference, periodicals, newspapers, \$438,560,000, together with not to exceed \$60,000,000 of the unobligated balances of the appropriations made under this head by the Department of Agriculture Appropriation Act, 1940, approved June 30, 1939 (53 Stat. 939), and by the First Deficiency Appropriation Act, fiscal year 1940, to remain available until June 30, 1942, for compliances under said Act of February 29, 1936, as amended, pursuant to the provisions of the 1940 programs carried out during the period September 1, 1939, to December 31, 1940, inclusive: *Provided*, That no part of such amount shall be available for carrying out the provisions of section 202 (f) of the Agricultural Adjustment Act of 1938, and not to exceed \$3,000,000 shall be available under the provisions of section 202 (a) to 202 (e), inclusive, of said Act, including research on food products of farm commodities: *Provided further*, That not to exceed \$4,985,600 of such amount may be expended in the fiscal year ending June 30, 1941, for administrative expenses in the District of Columbia, including regional offices, and not to exceed \$9,971,200 of such amount may be expended in the fiscal year ending June 30, 1941, for administrative expenses in the several States (not including expenses of county and local committees): *Provided further*, That no part of such amount shall be available after June 30, 1941, for salaries and other administrative expenses except for payment of obligations therefor incurred prior to July 1, 1941: *Provided further*, That such amount shall be available for salaries and other administrative expenses in connection with the formulation and administration of the 1941 programs or plans now or hereafter authorized under section 7 or 8, or both, of said Act of February 29, 1936, or under said provisions of the Agricultural Adjustment Act of 1938: *Provided further*, That the Secretary of Agriculture may, in his discretion, from time to time transfer to the General Accounting Office such sums as may be necessary to pay administrative expenses of the General Accounting Office in auditing payments under this item: *Provided further*, That such amount shall be available for the purchase of seeds, fertilizers, lime, trees, or any other farming materials, or any soil terracing services, and making grants thereof to agricultural producers to aid them in carrying out farming practices approved by the Secretary of Agriculture in the 1940 and 1941 programs under said Act of February 29, 1936, as amended; for the reimbursement of the Tennessee Valley Authority or any other Government agency for fertilizers, seeds, lime, trees, or other farming materials, or any soil terracing services, furnished by such agency; and for the payment of all expenses necessary in making such grants including all or part of the costs incident to the delivery thereof: *And provided further*, That the funds provided by section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act and for other purposes", approved August

Soil conservation, etc.

49 Stat. 1148.
16 U. S. C., Supp. V, §§ 590g-590q.
52 Stat. 31.
7 U. S. C., Supp. V, ch. 35.

Exhibits at fairs.

Reappropriation.

53 Stat. 975.

Ante, p. 86.

Provisos.
Restriction on use of funds.
52 Stat. 37.
7 U. S. C., Supp. V, § 1292.

Administrative expenses.

Nonavailability of funds for salaries, etc., after June 30, 1941; exception.

Availability for 1941 programs.
49 Stat. 1148, 1149; 52 Stat. 31.
16 U. S. C., Supp. V, §§ 590g-590h; 7 U. S. C., Supp. V, ch. 35.

Transfer of funds.

Purchase of seeds, etc.

Tennessee Valley Authority.

Funds for administrative expenses.
49 Stat. 774.
7 U. S. C., Supp. V, § 612c.

52 Stat. 69.
7 U. S. C., Supp. V,
§ 1392.

Exception.

Parity payments.
53 Stat. 974.

Payments to tenants
and sharecroppers.

49 Stat. 1148.
16 U. S. C., Supp. V,
§§ 590g-590q.

24, 1935 (7 U. S. C. 612c), shall be available during the fiscal year 1941 for administrative expenses, in accordance with the provisions of section 392 of the Agricultural Adjustment Act of 1938, in carrying out the provisions of said section 32, including the employment of persons and means in the District of Columbia and elsewhere, in accordance with the provisions of law applicable to the employment of persons and means by the Agricultural Adjustment Administration, except that within the total of limitations imposed by section 392 (b) of said Act for administrative expenses in the District of Columbia, regional offices, and in the several States, such limitations may, in connection with the activities of the Marketing and Marketing Agreements Division of the Agricultural Adjustment Administration and the Federal Surplus Commodities Corporation, be interchanged, in whole or in part, during the current fiscal year, between the District of Columbia, regional offices, and the several States: *Provided further*, That the funds appropriated under the head "Parity payments, Department of Agriculture", for the fiscal year 1940 shall remain available until June 30, 1942: *Provided further*, That notwithstanding any other provision of law, persons who in 1938 and 1939 carried out farming operations as tenants or sharecroppers on cropland owned by the United States Government and who complied with the terms and conditions of the 1938 and 1939 agricultural conservation programs, formulated pursuant to sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, shall be entitled to apply for and receive payments, or to retain payments heretofore made, for their participation in said program to the same extent as other producers.

COMMODITY CREDIT CORPORATION

Salaries and admin-
istrative expenses.

15 U. S. C., Supp. V,
§ 713.

Travel expenses.
44 Stat. 688.

Provisos.
Nonadministrative
expenses.

Allotments.

Accounting.

Salaries and administrative expenses: Not to exceed \$2,000,000 of the funds of the Commodity Credit Corporation, established as an agency of the Government by Executive Order Numbered 6340, dated October 16, 1933, and continued as such agency to June 30, 1941, by the Act of March 4, 1939 (53 Stat. 510), shall be available during the fiscal year 1941 for administrative expenses of the Corporation, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); printing and binding; lawbooks and books of reference; not to exceed \$250 for periodicals, maps, and newspapers; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other necessary administrative expenses: *Provided*, That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That the Secretary of Agriculture may make allotments from this appropriation, subject to the approval of the Director of the Bureau of the Budget, to the offices and divisions of the office of the Secretary for the performance of departmental services for the Commodity Credit Corporation: *Provided further*, That none of the fund made available by this paragraph shall be obligated or expended unless and until an appropriate appropriation account shall have been established there-

for pursuant to an appropriation warrant or a covering warrant, and all such expenditures shall be accounted for and audited in accordance with the Budget and Accounting Act of 1921, as amended.

42 Stat. 20.
31 U. S. C., ch. 1;
Supp. V, ch. I.

THE SUGAR ACT OF 1937

To enable the Secretary of Agriculture to carry into effect the provisions, other than those specifically relating to the Philippine Islands, of the Sugar Act of 1937, approved September 1, 1937 (7 U. S. C. 1100-1183), and the employment of persons and means, in the District of Columbia and elsewhere, as authorized by said Act, \$46,675,000, together with \$1,300,000 of the unobligated balance of the appropriation provided under this head by the Second Deficiency Appropriation Act, fiscal year 1939, approved May 2, 1939 (53 Stat. 626), in all not to exceed \$47,975,000, to remain available until June 30, 1942: *Provided*, That conditional payments in connection with the 1940 sugar program shall not be made if, by proclamation under section 509 of said Act, title II or title III shall have been suspended and shall remain suspended until July 1, 1940.

Sugar Act of 1937.
50 Stat. 903.
7 U. S. C., Supp. V,
§§ 1100-1183.

Reappropriation.

Proviso.
Conditional pay-
ments.
50 Stat. 916.
7 U. S. C., Supp. V,
§ 1179.

PARITY PAYMENTS

To enable the Secretary of Agriculture to make parity payments to producers of wheat, cotton, corn (in the commercial corn-producing area), rice, and tobacco pursuant to the provisions of section 303 of the Agricultural Adjustment Act of 1938, \$212,000,000: *Provided*, That such payments with respect to any such commodity shall be made with respect to a farm only in the event that the acreage planted to the commodity for harvest on the farm in 1941 is not in excess of the farm acreage allotment established for the commodity under the agricultural conservation program.

Parity Payments.
52 Stat. 45.
7 U. S. C., Supp. V,
§ 1303.

Proviso.
Condition.

DISPOSAL OF SURPLUS COMMODITIES

To enable the Secretary of Agriculture to further carry out the provisions of section 32, as amended, of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935, and subject to all provisions of law relating to the expenditure of funds appropriated by such section, \$85,000,000. Such sum shall be immediately available and shall be in addition to, and not in substitution for, other appropriations made by such section or for the purpose of such section: *Provided*, That not in excess of 25 per centum of the funds herein made available may be devoted to any one agricultural commodity: *Provided further*, That said 25 per centum provision and the like provision in said section 32, as amended, shall not apply to amounts devoted to a stamp plan for the removal of surplus agricultural commodities from funds made available hereby and by said section 32, and, notwithstanding expenditures under such stamp plan, the 25 per centum provision shall continue to be calculated on the aggregate amount available hereunder and under said section 32.

Funds for adminis-
trative expenses.
49 Stat. 774.
7 U. S. C., Supp. V,
§ 612c.

Provisos.
Restriction on use
of funds.
Stamp plan.

INTERNATIONAL PRODUCTION CONTROL COMMITTEES

During the fiscal year 1941 the Secretary of Agriculture may expend not to exceed \$17,500 from the funds available to the Agricultural Adjustment Administration for the share of the United States as a member of the International Wheat Advisory Committee, the International Sugar Council, or like events or bodies concerned

Share of U. S. for
membership expenses.

with the reduction of agricultural surpluses or with other objectives of the Agricultural Adjustment Administration, together with traveling and other necessary expenses relating thereto.

FEDERAL CROP INSURANCE ACT

Administrative, etc., expenses.
52 Stat. 72.
7 U. S. C., Supp. V, §§ 1501-1518.
Reappropriation.
53 Stat. 975.

52 Stat. 77.
7 U. S. C., Supp. V, § 1516.
52 Stat. 74.
7 U. S. C., Supp. V, § 1507 (d).

Administrative and operating expenses: For operating and administrative expenses under the Federal Crop Insurance Act, approved February 16, 1938, as amended (7 U. S. C. 1501-1518), \$5,423,200, together with a reappropriation of not to exceed \$100,000 of the unexpended balance of the funds available for this purpose for the fiscal year 1940, to be allotted by the Secretary of Agriculture (a) to the Federal Crop Insurance Corporation, as authorized by section 516 (a) of such Act, and (b) to bureaus and offices of the Department of Agriculture or for transfer to other agencies of State and Federal Governments, as authorized by section 507 (d) of such Act; and such part as the Secretary allots under clause (b) hereof shall be available for the employment of persons and means in the District of Columbia and elsewhere, rent in the District of Columbia, purchase of law books, books of reference, periodicals, and newspapers.

FARM TENANT ACT

FARM TENANCY

Farm tenancy.
50 Stat. 522.
7 U. S. C., Supp. V, §§ 1000-1006.

Salaries and expenses.

Reappropriation.

Loans.

Restriction on use of funds.

Authorization of R. F. C. to lend sum to Secretary of Agriculture.

Provisos.
Amount loaned, limitation.

Repayment.

To enable the Secretary of Agriculture to carry into effect the provisions of title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000-1006), as follows:

Salaries and expenses: For administrative expenses in connection with the making of loans under title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000-1006), and the collection of moneys due the United States on account of loans heretofore made under the provisions of said Act, including the employment of persons and means in the District of Columbia, and elsewhere, exclusive of printing and binding as authorized by said Act, \$2,500,000, together with the unexpended balance of such part of the appropriation made under said Act for the fiscal year 1940 (53 Stat. 976) available for such administrative expenses.

Loans: For loans in accordance with title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000-1006), \$50,000,000, which sum shall be borrowed from the Reconstruction Finance Corporation at an interest rate of 3 per centum per annum and which sum shall not be used for making loans under the terms of said Act for the purchase of farms of greater value than the average farm unit of thirty acres and more in the county, parish, or locality in which such purchase may be made, which value shall be determined solely according to statistics of the farm census of 1940 after such statistics become available, but prior to that time may be determined in accordance with such regulations as may be promulgated by the Secretary of Agriculture; and the Reconstruction Finance Corporation is hereby authorized and directed to lend such sum to the Secretary of Agriculture upon the security of any obligations of borrowers from the Secretary under the provisions of title I of the Bankhead-Jones Farm Tenant Act approved July 22, 1937 (7 U. S. C. 1000-1006): *Provided*, That the amount loaned by the Reconstruction Finance Corporation shall not exceed 85 per centum of the principal amount outstanding of the obligations constituting the security therefor: *Provided further*, That the Secretary may utilize proceeds from payments of principal and interest on any loans

made under such title I to repay the Reconstruction Finance Corporation the amount borrowed therefrom under the authority of this paragraph: *Provided further*, That the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions hereof.

Increase of outstanding obligations of R. F. C.

LIQUIDATION AND MANAGEMENT OF RESETTLEMENT PROJECTS

To enable the Secretary of Agriculture to carry out the provisions of section 43 of title IV of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1014-1029), including the employment of persons and means, in the District of Columbia and elsewhere, exclusive of printing and binding, as authorized by said Act, \$1,500,000.

Resettlement projects.
50 Stat. 530.
7 U. S. C., Supp. V, § 1017.

LAND UTILIZATION AND RETIREMENT OF SUBMARGINAL LAND

To enable the Secretary of Agriculture to carry out the provisions of title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1010-1013), including the employment of persons and means in the District of Columbia and elsewhere, exclusive of printing and binding, as authorized by said Act, \$2,100,000, together with the unexpended balances of the appropriations made pursuant to said Act for the fiscal year 1940.

Land utilization, etc.
50 Stat. 525.
7 U. S. C., Supp. V, §§ 1010-1013.

Reappropriation.
53 Stat. 976.

Total, Farm Tenant Act, \$6,100,000.

WATER FACILITIES, ARID AND SEMIARID AREAS

To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes", approved August 28, 1937 (16 U. S. C. 590r-590x), including the employment of persons and means in the District of Columbia and elsewhere; printing and binding; the purchase, exchange, operation, and maintenance of passenger-carrying vehicles; and rent in the District of Columbia and elsewhere, \$500,000, of which not to exceed \$25,000 may be expended for personal services in the District of Columbia: *Provided*, That not to exceed \$50,000 of this appropriation shall be available for expenditure for any one project designed in whole or in part to benefit lands by the irrigation thereof, and all project facilities and appurtenances which depend for their utility in whole or in part upon each other or upon any common facility shall be deemed one project, and the authority contained in said Act shall not be deemed to authorize the construction of any project not in accord with this limitation.

Development, etc.

50 Stat. 569.
16 U. S. C., Supp. V, §§ 590r-590x.

Proriso.
Restriction on use of funds.

COOPERATIVE FARM FORESTRY

To enable the Secretary of Agriculture to carry into effect the provisions of the Cooperative Farm Forestry Act, approved May 18, 1937 (16 U. S. C. 568b) (not to exceed \$300,000), and the provisions of sections 4 (not to exceed \$100,000) and 5 (not to exceed \$77,898) of the Act entitled "An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor",

Development, etc.

50 Stat. 188.
16 U. S. C., Supp. V, § 568b.

43 Stat. 654.
16 U. S. C., Supp.
V, §§ 567a-568b.

Provisos.
State, etc., contribu-
tion.

Procurement of
nursery stock.

Restriction on es-
tablishment of new
nurseries, etc.

approved June 7, 1924 (16 U. S. C. 567-568), and Acts supplementary thereto, including the employment of persons and means in the District of Columbia and elsewhere; printing and binding; not to exceed \$7,700 for the purchase of passenger-carrying vehicles; the purchase of reference books and technical journals; not to exceed \$30,000 for the construction or purchase of necessary buildings, and other improvements; in all, not to exceed \$400,000: *Provided*, That no part of this appropriation shall be expended in any State or Territory unless the State or Territory, or local subdivision thereof, or individuals, or associations contribute a sum equal to that to be allotted by the Government or make contributions other than money deemed by the Secretary of Agriculture to be the value equivalent thereof: *Provided further*, That any part of this appropriation allocated for the production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating states for the production or procurement of nursery stock, shall remain available for expenditure for not more than three fiscal years: *Provided further*, That in carrying into effect the provisions of the Cooperative Farm Forestry Act, no part of this appropriation shall be used to establish new nurseries or to acquire land for the establishment of such new nurseries.

RURAL ELECTRIFICATION ADMINISTRATION

49 Stat. 1363.
7 U. S. C., Supp. V,
§§ 901-914.
Salaries and ex-
penses.

Provisos.
Salary restriction;
exception.

Minor purchases.

Allotments.

Loans and purchase
of property.
7 U. S. C., Supp. V,
§§ 903-905, 907.

To enable the Secretary of Agriculture to carry into effect the provisions of the Rural Electrification Act of 1936, approved May 20, 1936, as amended (7 U. S. C. 901-914), as follows:

Salaries and expenses: For administrative expenses and expenses of studies, investigations, publications, and reports including the salary of the Administrator, Rural Electrification Administration, and other personal services in the District of Columbia and elsewhere; rentals, including buildings and parts of buildings and garages, in the District of Columbia and elsewhere; purchase and exchange of books, law books, books of reference, directories, and periodicals; not to exceed \$200 for newspapers and press clippings; financial and credit reports; and all other expenses necessary to administer said Act, \$3,075,000, of which amount not to exceed \$1,350 shall be available for the purchase of motor-propelled passenger-carrying vehicles necessary in the conduct of work in the District of Columbia and elsewhere: *Provided*, That no part of this appropriation shall be used to pay the salary of any person who received as many as three steps of administrative within-grade promotion, or the equivalent thereof, in all positions occupied by such person during the fiscal year 1939, at a rate of pay in excess of the salary resulting from the first two steps of such promotion or its equivalent; but this proviso shall not preclude the payment of the minimum salary of the grade to any person transferred, under standard regulations, to such grade: *Provided further*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the Rural Electrification Administration when the aggregate amount involved does not exceed \$100: *Provided further*, That the Secretary of Agriculture may make allotments from this appropriation, subject to the approval of the Director of the Bureau of the Budget, to the offices and divisions of the Office of the Secretary for the performance of departmental services for the Rural Electrification Administration.

Loans: For loans in accordance with sections 3, 4, and 5, and the purchase of property in accordance with section 7 of the Rural Electrification Act of May 20, 1936, as amended (7 U. S. C. 901-

914), \$100,000,000, which sum shall be borrowed from the Reconstruction Finance Corporation in accordance with the provisions of section 3 (a) of said Act and shall be considered as made available thereunder; and the Reconstruction Finance Corporation is hereby authorized and directed to lend such sum in addition to the amounts heretofore authorized under said section 3 (a) and without regard to the limitation in respect of time contained in section 3 (e) of said Act; and the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions hereof: *Provided*, That there is hereby appropriated out of any money in the Treasury not otherwise appropriated for an additional amount for salaries and expenses of the Rural Electrification Administration, to be immediately available, including the objects specified in the foregoing paragraph and subject to the limitations therein, \$600,000, of which amount not to exceed \$23,000 may be transferred to the appropriation "Printing and Binding, Department of Agriculture, 1941".

Total, Rural Electrification Administration, \$3,075,000.

Authorization of
R. F. C. to lend sum,
etc.

Proviso.
Additional appro-
priation for salaries,
etc.

Ante, p. 534.

BELTSVILLE RESEARCH CENTER

For general administrative purposes, including maintenance, operation, repairs, and other expenses, \$86,620; and, in addition thereto, this appropriation may be augmented, by transfer of funds or by reimbursement, from applicable appropriations, to cover the cost, including handling and other related charges, of services and supplies, equipment and materials furnished, stores of which may be maintained at the Center, and to cover the cost of building construction, alteration, and repair performed by the Center in carrying out the purposes of such applicable appropriations and the applicable appropriations may also be charged their proportionate share of the necessary general expenses of the Center not covered by this appropriation.

Administrative ex-
penses.

INTERCHANGE OF APPROPRIATIONS

Not to exceed 5 per centum of the foregoing amounts for the miscellaneous expenses of the work of any bureau, division, or office herein provided for shall be available interchangeably for expenditures on the objects included within the general expenses of such bureau, division, or office, but no more than 5 per centum shall be added to any one item of appropriation except in cases of extraordinary emergency.

Limitation.

WORK FOR OTHER DEPARTMENTS

During the fiscal year for which appropriations are herein made the head of any department or independent establishment of the Government requiring inspections, analyses, and tests of food and other products, within the scope of the functions of the Department of Agriculture and which that department is unable to perform within the limits of its appropriations, may, with the approval of the Secretary of Agriculture transfer to the Department of Agriculture for direct expenditure such sums as may be necessary for the performance of such work.

Work for other de-
partments.

PASSENGER-CARRYING VEHICLES

Purchase of passenger-carrying vehicles.

Provisos.
Limitation on use.

Interchangeability.

Maintenance, etc.

Exchanges.

Use of A. A. A. funds.

Within the limitations specified under the several headings the lump-sum appropriations herein made for the Department of Agriculture shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of the field work of the Department of Agriculture outside the District of Columbia: *Provided*, That such vehicles shall be used only for official service outside the District of Columbia, but this shall not prevent the continued use for official service of motortrucks in the District of Columbia: *Provided further*, That the limitation on expenditures for purchase of passenger-carrying vehicles in the field service shall be interchangeable between the various bureaus and offices of the Department, to such extent as the exigencies of the service may require: *Provided further*, That appropriations contained in this Act shall be available for the maintenance, operation, and repair of motor-propelled and horse-drawn passenger-carrying vehicles: *Provided further*, That the Secretary of Agriculture may exchange motor-propelled and horse-drawn vehicles, tractors, road equipment, and boats, and parts, accessories, tires, or equipment thereof, in whole or in part payment for vehicles, tractors, road equipment, or boats, or parts, accessories, tires, or equipment of such vehicles, tractors, road equipment, or boats purchased by him: *Provided further*, That the funds available to the Agricultural Adjustment Administration may be used during the fiscal year for which appropriations are herein made for the maintenance, repair, and operation of one passenger-carrying vehicle for official purposes in the District of Columbia.

FARM CREDIT ADMINISTRATION

SALARIES AND EXPENSES

Salaries and expenses.

Minor purchases.

For salaries and expenses of the Farm Credit Administration in the District of Columbia and the field; traveling expenses of officers and employees including not to exceed \$5,000 for travel incurred under proper authority attending meetings or conventions of members of organizations at which matters of importance to the work of the Farm Credit Administration are to be discussed or transacted; printing and binding; contingent and miscellaneous expenses, including law books, books of reference, and not to exceed \$1,000 for periodicals, newspapers, and maps; contract stenographic reporting services, and expert services for the preparation of amortization tables; library membership fees or dues in organizations which issue publications to members only or to members at a lower price than to others, payment for which may be made in advance; purchase of manuscripts, data, and special reports by personal service without regard to the provisions of any other Act; procurement of supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved does not exceed \$50; purchase, exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles and motortrucks to be used only for official purposes; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; garage rental in the District of Columbia and elsewhere; payment of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses of persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Farm Credit Administration; employment of persons, firms, and others for the performance of special services, includ-

ing legal services, and other miscellaneous expenses; necessary administrative expenses in connection with the making of loans under the provisions of the Act of January 29, 1937 (50 Stat. 5), and the collection of moneys due the United States on account of loans made under the provisions of the Acts of March 3, 1921 (41 Stat. 1347), March 20, 1922 (42 Stat. 467), April 26, 1924 (43 Stat. 110), February 28, 1927 (44 Stat. 1251), February 25, 1929 (45 Stat. 1306), as amended May 17, 1929 (46 Stat. 3), March 3, 1930 (46 Stat. 78, 79), December 20, 1930 (46 Stat. 1032), February 14, 1931 (46 Stat. 1160), and February 23, 1931 (46 Stat. 1276); January 22, 1932 (47 Stat. 5), February 4, 1933 (47 Stat. 795), March 4, 1933 (47 Stat. 1547), February 23, 1934 (48 Stat. 354), March 10, 1934 (48 Stat. 402), June 19, 1934 (48 Stat. 1021), February 20, 1935 (49 Stat. 28), March 21, 1935 (49 Stat. 49), April 8, 1935 (49 Stat. 115), January 29, 1937 (50 Stat. 5), February 9, 1937 (50 Stat. 8, 11), February 4, 1938 (52 Stat. 26), and Executive Order Numbered 7305, dated February 28, 1936; examination of corporations, banks, associations, credit unions, and institutions operated, supervised, or regulated by the Farm Credit Administration: *Provided*, That the expenses and salaries of employees engaged in such examinations shall be assessed against the said corporations, banks, or institutions in accordance with the provisions of existing laws; in all, \$3,770,000, together with not to exceed \$3,900,000 from the funds made available to the Farm Credit Administration under the Acts of January 29, 1937 (50 Stat. 5), February 9, 1937 (50 Stat. 8, 11), February 4, 1938 (52 Stat. 26), and June 30, 1939 (Public, No. 159).

Farmers' crop production and harvesting loans: For loans to farmers under the Act of January 29, 1937 (50 Stat. 5), as amended by the Act of February 4, 1938 (52 Stat. 26), and June 30, 1939 (Public, No. 159), the unobligated balance (exclusive of the amount of such balance made available for "Salaries and expenses, Farm Credit Administration, 1941") of the appropriation "Crop production and harvesting loans" as made in the First Deficiency Appropriation Act, fiscal year 1937 (50 Stat. 8, 11), and as continued available by the Act of February 4, 1938 (52 Stat. 26), and June 30, 1939 (Public, No. 159), together with all collections of principal and interest on loans heretofore or hereafter made under said Act of January 29, 1937 (50 Stat. 5): *Provided*, That no employee of the United States on whose certificate or approval loans under said Act of January 29, 1937, as amended, or other acts of the same general character, are or have been made, shall be held personally liable for any loss or deficiency occasioned by the fraud or misrepresentation of applicants or borrowers, if the Governor of the Farm Credit Administration shall determine that such employee has exercised reasonable care in the circumstances, and has complied with the regulations of the Farm Credit Administration in executing such certificate or giving such approval. Notwithstanding any such determination by the Governor of the Farm Credit Administration, this provision shall not be construed to prevent any criminal process against any person who was a party to or had guilty knowledge of such fraud or misrepresentation.

FEDERAL FARM MORTGAGE CORPORATION

Not to exceed \$7,000,000 of the funds of the Federal Farm Mortgage Corporation, established by the Act of January 31, 1934 (48 Stat. 344), shall be available during the fiscal year 1941 for administrative expenses of the Corporation, including personal services in the District of Columbia and elsewhere; travel expenses of officers and employees of the Corporation, in accordance with the Stand-

Collection of loans under designated Acts.

Examination of banks, etc.

Proviso.
Assessments.

Total; additional.

12 U. S. C., Supp. V, §§ 1020i-1020c.

53 Stat. 979.

Proviso.
Farmers' crop production, etc., loans.

53 Stat. 979.

53 Stat. 979.

Proviso.
Liability of U. S. employees for fraud of borrowers, etc.

Administrative expenses.
12 U. S. C., §§ 1020-1020h; Supp. V, §§ 1020i-1020d.
Post, p. 640.

Travel expenses.

44 Stat. 688.

Special services.

Provides.
Nonadministrative
expenses.

Payment of admin-
istrative expenses, etc.

Administrative pro-
motions.

Short title.

ardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); printing and binding; law books, books of reference, and not to exceed \$250 for periodicals and newspapers; contract stenographic reporting services; procurement of supplies, equipment, and services; purchase (at not to exceed \$750 each), exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, to be used only for official purposes; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; payment of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses of persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Corporation; employment on a contract or fee basis of persons, firms, and corporations for the performance of special services, including legal services; use of the services and facilities of Federal land banks, national farm loan associations, Federal Reserve banks, and agencies of the Government as authorized by said Act of January 31, 1934; and all other necessary administrative expenses: *Provided*, That all necessary expenses (including services performed on a force account, contract or fee basis, but not including other personal services) in connection with the operation, maintenance, improvement, or disposition of real or personal property of the Corporation shall be considered as non-administrative expenses for the purposes hereof: *Provided further*, That except for the limitations in amounts hereinbefore specified, and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Corporation shall be incurred, allowed, and paid in accordance with the provisions of said Act of January 31, 1934, as amended (12 U. S. C. 1016-1020 (h)).

SEC. 2. The total amount used on an annual basis for administrative within-grade promotions for officers and employees under any appropriation or other fund made available in this Act shall not exceed the amount determined by the Bureau of the Budget to be available for such purpose on the basis of the Budget estimate for such appropriation or fund exclusive of new money in any such Budget estimate for such administrative promotions.

This Act may be cited as the "Department of Agriculture Appropriation Act, 1941".

Approved, June 25, 1940.

[CHAPTER 422]

AN ACT

June 25, 1940
[S. 3018]
[Public, No. 659]

To amend section 210 of the Communications Act of 1934, approved June 19, 1934 (48 Stat. 1073; 47 U. S. C. 210), so as to permit communication utilities to contribute free services to the national defense.

Communications
Act of 1934, amend-
ment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 210 of the Communications Act of 1934, approved June 19, 1934 (48 Stat. 1073; 47 U. S. C. 210), is hereby amended by inserting after the words "Sec. 210" the letter "(a)" and by adding at the end of the section the following subsection:

Common carriers.
Free service to Gov-
ernment agencies for
national defense.

"(b) Nothing in this Act or in any other provision of law shall be construed to prohibit common carriers from rendering to any agency of the Government free service in connection with the preparation for the national defense: *Provided*, That such free service may be rendered only in accordance with such rules and regulations as the Commission may prescribe therefor."

Provides.
Rules and regula-
tions.

Approved, June 25, 1940.

[CHAPTER 423]

AN ACT

To amend section 301 (a) of the Sugar Act of 1937.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 301 of the Sugar Act of 1937 is amended by adding at the end thereof the following: "The Secretary is authorized to make payments, notwithstanding a failure to comply with the conditions provided in this subsection, but the payments made with respect to any crop shall be subject to a deduction of \$10 for each child for each day, or a portion of a day, during which such child was employed or permitted to work contrary to the foregoing provisions of this subsection, in the 1937, 1938, and 1939 crops."

Approved, June 25, 1940.

June 25, 1940
[S. 3237]

[Public, No. 660]

Sugar Act of 1937,
amendment.
50 Stat. 909.
7 U. S. C., Supp. V,
§ 1131 (a).
Child labor.
Payments author-
ized subject to deduc-
tions.

[CHAPTER 424]

AN ACT

To authorize the Secretary of the Treasury to grant to the Road Department of the State of Florida an easement for a road right-of-way over the Coast Guard Reservation at Flagler Beach, Florida.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized to grant to the Road Department of the State of Florida an easement to construct and maintain a highway across such of the lands constituting a part of the Coast Guard Reservation at Flagler Beach, Florida, as the Secretary may designate. Such easement shall be granted subject to such reasonable conditions as the Secretary may deem desirable to be included therein for the purpose of enabling the United States to use the reservation in such manner as the Government's interests may require.

Approved, June 25, 1940.

June 25, 1940
[S. 3958]

[Public, No. 661]

Coast Guard Reser-
vation, Flagler Beach,
Fla.
Easement across, for
highway.

Conditions.

[CHAPTER 425]

AN ACT

To allow moving expenses to employees in the Railway Mail Service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter officers and regular clerks in the Railway Mail Service, when arbitrarily transferred under orders of the Department from one official station to another for permanent duty, and who actually have to change their residence, may be allowed their actual and necessary transportation expenses for moving their household goods, including packing and drayage, not in excess of three thousand five hundred pounds.

Approved, June 25, 1940.

June 25, 1940
[H. R. 1827]

[Public, No. 662]

Railway Mail Serv-
ice.
Transportation ex-
penses for moving
household goods of
employees.

[CHAPTER 426]

AN ACT

For the protection against unlawful use of the badge, medal, emblem, or other insignia of veterans' organizations incorporated by Act of Congress, and providing penalties for the violation thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the manufacture, sale or purchase for resale, either separately or appended to, or to be appended to, or the reproduction on any article of merchandise manufactured or sold, of the badge, medal, emblem, or other

June 25, 1940
[H. R. 5982]

[Public, No. 663]

Unlawful use of in-
signia, etc., of incorpo-
rated veterans' organ-
izations.

Penalty.

insignia or any colorable imitation thereof, or the reproduction thereof for commercial purposes, of any veterans' organization incorporated by Act of Congress, or the printing, lithographing, engraving or other like reproduction on any poster, circular, periodical, magazine, newspaper, or other publication, or the circulation or distribution of any such printed matter bearing a reproduction of such badge, medal, emblem, or other insignia or any colorable imitation thereof, of any such veterans' organization, is prohibited except when authorized under such rules and regulations as may be prescribed by such organization so incorporated. Any person who knowingly offends against any provision of this Act shall on conviction be punished by a fine not exceeding \$250 or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Approved, June 25, 1940.

[CHAPTER 427]

AN ACT

June 25, 1940
[H. R. 9938]
[Public, No. 664]

To authorize the purchase by the Reconstruction Finance Corporation of stock of Federal home-loan banks; to amend the Reconstruction Finance Corporation Act, as amended, and for other purposes.

National banking
system.
48 Stat. 6.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 304 of the Act entitled "An Act to provide relief in the existing national emergency in banking, and for other purposes", approved March 9, 1933, as amended (U. S. C., 1934 edition, title 12, sec. 51d; Supp. V, title 12, sec. 51d), is hereby amended by adding at the end thereof the following new paragraph:

Purchase by R.F.C.
of U. S. owned Fed-
eral home-loan bank
stock.

"The Reconstruction Finance Corporation is authorized to purchase at par any part of the stock of any Federal home-loan bank owned by the United States, as evidenced by certificates, receipts, or otherwise, in amounts to be determined by the Corporation, with the approval of the Federal Loan Administrator; and the Secretary of the Treasury is authorized on behalf of the United States to sell such stock to the Corporation. Any such stock so purchased by the Corporation shall be held subject to the same conditions, requirements, rights, and privileges (including all dividend and retirement provisions) as are provided by law for or in connection with the ownership of such stock by the United States."

Conditions under
which held.

Reconstruction Fi-
nance Corporation
Act, amendments.
47 Stat. 5,
15 U. S. C., Supp. V,
§602.
Partial retirement of
capital stock, etc.

SEC. 2. Section 2 of the Reconstruction Finance Corporation Act, as amended (U. S. C., 1934 edition, title 15, sec. 602), is hereby amended by adding at the end thereof the following new paragraphs:

Increase of outstand-
ing obligations author-
ized.

"The Corporation is authorized to make payments from time to time to the Secretary of the Treasury in amounts to be determined by the Corporation, with the approval of the Federal Loan Administrator, for the partial retirement of its capital stock at par and in payment of dividends from earnings. The aggregate amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized to issue and have outstanding at any one time under the provisions of law in force on the date this paragraph takes effect shall not be decreased by reason of any retirement of capital stock under this paragraph, and such aggregate amount is hereby increased by an amount sufficient to carry out the provisions of this paragraph and of the second paragraph of section 304 of the Act of March 9, 1933, as amended.

12 U. S. C., Supp. V,
§ 51d.
Supra.
Retirement of cap-
ital stock; dividends.
Purchase of stock of
Federal home-loan
banks.

"The Corporation, on or before June 30, 1941, may retire its capital stock and pay dividends under the preceding paragraph of this section, and may purchase stock of the Federal home-loan banks

under section 304 of the Act of March 9, 1933, as amended, in an aggregate amount of not to exceed \$300,000,000 to be determined by the Secretary of the Treasury; but the Corporation, with the approval of the Federal Loan Administrator, shall determine that portion of such aggregate amount which may be used for the retirement of the capital stock of the Corporation, the payment of dividends, and the purchase of such stock of the Federal home-loan banks."

SEC. 3. (a) The third paragraph of section 5 of the Reconstruction Finance Corporation Act, as amended (U. S. C., 1934 edition, title 15, sec. 605; Supp. V, title 15, sec. 605), is hereby amended by striking out "\$350,000,000" and inserting in lieu thereof "\$500,000,000".

(b) The first sentence of section 3 of the Act entitled "An Act to extend the functions of the Reconstruction Finance Corporation for two years, and for other purposes", approved January 31, 1935, as amended (U. S. C., 1934 edition, Supp. V, title 15, sec. 605m), is hereby amended by striking out "January 31, 1945" and inserting in lieu thereof "January 31, 1955".

SEC. 4. Section 3 of the Federal Farm Mortgage Corporation Act (U. S. C., 1934 edition, title 12, sec. 1020b) is hereby amended by adding at the end thereof the following new sentences: "The Federal Farm Mortgage Corporation is authorized to repay on or before June 30, 1941, to the Secretary of the Treasury on behalf of the United States, all amounts in excess of \$100,000,000 theretofore subscribed to the capital stock of the corporation. The proceeds of such repayment shall be held in the Treasury of the United States as a fund available for subscription, by the Governor on behalf of the United States with the approval of the Secretary of the Treasury, to the capital of the corporation when, in the judgment of the directors of the corporation, additional subscriptions to its capital are necessary."

SEC. 5. Section 5d of the Reconstruction Finance Corporation Act, as amended (U. S. C., 1934 edition, Supp. V, title 15, sec. 606b), is hereby amended by adding at the end thereof the following new paragraphs:

"In order to aid the Government of the United States in its national-defense program, the Corporation is authorized—

"(1) To make loans to, or, when requested by the Federal Loan Administrator with the approval of the President, purchase the capital stock of, any corporation (a) for the purpose of producing, acquiring, and carrying strategic and critical materials as defined by the President, and (b) for plant construction, expansion and equipment, and working capital, to be used by the corporation in the manufacture of equipment and supplies necessary to the national defense, on such terms and conditions and with such maturities as the Corporation may determine; and

"(2) When requested by the Federal Loan Administrator, with the approval of the President, to create or to organize a corporation or corporations, with power (a) to produce, acquire, and carry strategic and critical materials as defined by the President, (b) to purchase and lease land, to purchase, lease, build, and expand plants, and to purchase and produce equipment, supplies, and machinery, for the manufacture of arms, ammunition, and implements of war, (c) to lease such plants to private corporations to engage in such manufacture, and (d) if the President finds that it is necessary for a Government agency to engage in such manufacture, to engage in such manufacture itself. The Corporation may make loans to, or purchase the capital stock of, any such corporation for any purpose

Apportionment.

Reconstruction Finance Corporation Act, amendment.
47 Stat. 7; 49 Stat. 3.

49 Stat. 2.

Federal Farm Mortgage Corporation Act, amendment.
48 Stat. 345.
12 U. S. C., Supp. V, § 1020b.
Repayment of excess capital stock subscriptions.

Use of proceeds.

Reconstruction Finance Corporation Act, amendment.
52 Stat. 212.
Post, pp. 961, 962.

National-defense program.

Loans; capital stock purchases.

Strategic, etc., materials.

Plant construction, etc., for manufacture of equipment and supplies.

Creation of corporations; powers.

Strategic, etc., materials.
Plants for manufacture of arms, etc.

Lease of plants.

Manufacture by Government agency.

Loans; capital stock purchases; terms and conditions.

within the powers of the corporation as above set forth related to the national-defense program, on such terms and conditions as the Corporation may determine.

Strategic, etc., materials.
Payments in advance of delivery.

Use of payments.

50 Stat. 5; 53 Stat. 510.
15 U. S. C., Supp. V, § 613c.

R. F. C. Act, amendments.
47 Stat. 6.

47 Stat. 10.

52 Stat. 212.
15 U. S. C., Supp. V, § 606b.

"Any corporation created or organized by the Corporation under the preceding paragraph is also authorized, with the approval of the President, to make payments against the purchase price to be paid for strategic and critical materials in advance of the delivery of such materials. Whenever practicable, the Corporation may require the payments so made to be used for purchases of raw or manufactured agricultural commodities to be exported from the United States."

Sec. 6. That (a) section 1 of the Act approved January 26, 1937 (U. S. C., 1934 edition, Supp. IV, title 15, sec. 613c), as amended, is hereby amended by striking out "June 30, 1941" and inserting in lieu thereof "January 22, 1947"; (b) the first sentence of section 4 of the Reconstruction Finance Corporation Act (U. S. C., 1934 edition, title 15, sec. 604), as amended, and the first sentence of section 14 of the Reconstruction Finance Corporation Act (U. S. C., 1934 edition, title 15, sec. 614), as amended, are hereby amended by striking out the word "ten" and inserting in lieu thereof the word "fifteen"; (c) the second paragraph of section 5d of the Reconstruction Finance Corporation Act (U. S. C., 1934 edition, Supp. IV, title 15, sec. 606b), as amended, is hereby amended by striking out "June 30, 1939" wherever it appears therein and inserting in lieu thereof "January 22, 1947".

Approved, June 25, 1940.

[CHAPTER 428]

AN ACT

June 26, 1940
[H. R. 9007]
[Public, No. 665]

Making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1941, and for other purposes.

Labor-Federal Security Appropriation Act, 1941.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1941, namely:

Department of Labor Appropriation Act, 1941.

TITLE I—DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

Salaries.

Salaries: Secretary of Labor, Assistant Secretary, Second Assistant Secretary, and other personal services in the District of Columbia, \$374,000.

Salaries: Office of the Solicitor, \$90,000.

Contingent expenses.
Post, pp. 646, 647, 648, 1043.

Contingent expenses: For contingent and miscellaneous expenses of the offices and bureaus of the Department, for which appropriations for contingent and miscellaneous expenses are not specifically made, including the purchase of stationery, furniture, and repairs to the same, carpets, matting, oilcloths, file cases, towels, ice, brooms, soap, sponges, laundry, not exceeding \$1,400 for streetcar fares; purchase, exchange, maintenance, and repair of motorcycles and motortrucks; maintenance, operation, and repair of three motor-propelled passenger-carrying vehicles, to be used only for official purposes; freight and express charges; commercial and labor-reporting services; newspaper clippings not to exceed \$1,400, postage to foreign countries, telegraph

and telephone service, typewriters, adding machines, and other labor-saving devices; purchase and exchange of lawbooks, books of reference, newspapers, and periodicals, and, when authorized by the Secretary of Labor, dues for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members, not exceeding \$5,300; contract stenographic services; teletype service and tolls (not to exceed \$1,100); rent and maintenance of buildings in the District of Columbia; all other necessary miscellaneous expenses not included in the foregoing; and not to exceed \$25,000 for purchase of certain supplies for the Immigration and Naturalization Service; in all, \$347,500: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the Department of Labor when the aggregate amount involved does not exceed the sum of \$100.

Traveling expenses: For all traveling expenses, except traveling expenses incident to the deportation of aliens, under the Department of Labor, including all bureaus and divisions thereunder, \$1,628,000.

Printing and binding: For printing and binding for the Department of Labor, including all its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, \$459,000: *Provided*, That notwithstanding any other provision of law, the publication entitled "Our Constitution and Government—Federal Text Book on Citizenship" may be sold by the Superintendent of Documents, Government Printing Office, in quantities of ten or more copies at the rate of 25 cents per copy.

Salaries and expenses, Division of Labor Standards: For salaries and expenses, including purchase and distribution of reports, and of material for informational exhibits, in connection with the promotion of health, safety, employment, stabilization, and amicable industrial relations for labor and industry, \$225,000, of which amount not to exceed \$162,000 may be expended for personal services in the District of Columbia.

The appropriation under this title for traveling expenses shall be available for expenses of attendance of cooperating officials and consultants at conferences concerned with the work of the Division of Labor Standards when called by the Division of Labor Standards with the written approval of the Secretary of Labor, and shall be available also in an amount not to exceed \$2,000 for expenses of attendance at meetings related to the work of the Division of Labor Standards when incurred on the written authority of the Secretary of Labor.

Commissioners of conciliation: To enable the Secretary of Labor to exercise the authority vested in him by section 8 of the Act creating the Department of Labor (5 U. S. C. 611) and to appoint commissioners of conciliation, telegraph and telephone service, supplies for field offices, newspapers, books of reference and periodicals; and not to exceed \$71,000 for personal services in the District of Columbia, \$383,400: *Provided*, That persons now employed in such conciliation work pursuant to authority contained under this head in the Second Deficiency Appropriation Act, fiscal year 1935, may be continued in such employment and paid from the amount herein appropriated.

The appropriation in this title for traveling expenses shall be available in an amount not to exceed \$2,000 for expenses of attendance at meetings, conferences or conventions concerned with labor and industrial relations when incurred on the written authority of the Secretary of Labor.

Proviso.
Minor purchases.

Traveling expenses.
Post, pp. 646, 647,
648, 1043.

Printing and binding.
Post, pp. 646, 647,
648, 1043.

Proviso.
Sale of designated
publication.

Division of Labor
Standards.
Salaries and ex-
penses.
Post, pp. 647, 1043.

Attendance at con-
ferences.

Meetings.

Commissioners of
conciliation.

37 Stat. 738.
5 U. S. C. § 619.

Proviso.
Retention of certain
employees.
49 Stat. 587.

Attendance at meet-
ings.

Liaison with International Labor Organization, Geneva, Switzerland.
Salaries and expenses.

Liaison with the International Labor Organization, Geneva, Switzerland, salaries and expenses: For a United States Labor Commissioner and other personal services in Geneva, Switzerland; compensation of interpreters, translators, and porters; transportation of employees, their families, and effects, in going to and returning from foreign posts; rent, heat, light, and fuel; hire, maintenance, and operation of motor-propelled passenger-carrying vehicles; purchase and exchange of foreign and domestic books, periodicals, and newspapers; purchase of furniture, stationery, and supplies; printing and binding; postage; telephone and other similar expenses, for which payment may be made in advance; necessary technical or special investigations in connection with matters falling within the scope of the International Labor Organization; allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a), not to exceed \$1,700 for any person, and contingent and such other expenses in the United States and elsewhere as the Secretary of Labor may deem necessary, \$20,000.

Living quarters.

46 Stat. 818.

Division of Public Contracts.
Salaries and expenses.

Division of Public Contracts, salaries and expenses: For personal services in the District of Columbia and elsewhere, in performing the duties imposed by the "Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (41 U. S. C. 38), and for other necessary expenses in the field, including contract stenographic reporting services, \$319,100.

49 Stat. 2036.
41 U. S. C., Supp. V, §§ 35-45.

BUREAU OF LABOR STATISTICS

Salaries and expenses.
Post, pp. 648, 1043.

Salaries and expenses: For personal services including temporary statistical clerks, stenographers, and typists in the District of Columbia, and including also experts and temporary assistants for field service outside of the District of Columbia; purchase of periodicals, documents, envelopes, price quotations, and reports and materials for reports and bulletins of said Bureau, \$962,580, of which amount not to exceed \$860,000 may be expended for the salary of the Commissioner and other personal services in the District of Columbia.

Attendance at meetings.

The appropriation in this title for traveling expenses shall be available, in an amount not to exceed \$2,000, for expenses of attendance at meetings concerned with the work of the Bureau of Labor Statistics when incurred on the written authority of the Secretary of Labor.

IMMIGRATION AND NATURALIZATION SERVICE

Salaries, Departmental.
Post, p. 645.

Salaries, Office of Commissioner: Departmental salaries: For the Commissioner and other personal services in the District of Columbia, \$570,500.

Salaries, field service.
Post, p. 646.

Salaries, field service: For salaries of field personnel of the Immigration and Naturalization Service, including the personnel of the Immigration Border Patrol and the services of persons authorized by law to be detailed to the District of Columbia for duty, \$7,979,110: *Provided*, That not to exceed \$36,000 of the total amount herein appropriated shall be available for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a), not to exceed \$1,700 for any person: *Provided further*, That \$130,000 of the amount herein appropriated shall be available only for the payment of extra compensation for overtime services of inspectors and employees of the Immigration and Naturalization Service for which the United States receives reimbursement in accordance with the provisions of the Act of March 2,

Provided.
Living quarters.

46 Stat. 818.

Overtime pay.

46 Stat. 1467.

1931 (8 U. S. C. 109a-109b): *Provided further*, That no part of this appropriation shall be available for the compensation of assistants to clerks of United States courts: *Provided further*, That notwithstanding the provisions of the Act of February 5, 1917 (8 U. S. C. 109), authorizing the Secretary of Labor to draw annually from the appropriations for the enforcement of the laws regulating the immigration of aliens into the United States, \$200,000, or so much thereof as may be necessary, to enforce the law excluding contract laborers and induced and assisted immigrants, not to exceed \$40,000 of the sum herein appropriated may be expended for such purposes, and such expenditure shall be made in strict compliance with the provisions of the Act of July 11, 1919 (18 U. S. C. 201).

General expenses (other than salaries): For all expenses of the Immigration and Naturalization Service, including the Immigration Border Patrol, incurred in the enforcement of the laws regulating the immigration to, the residence in, and the exclusion and deportation from the United States of aliens and persons subject to the Chinese exclusion laws; for enforcement of the laws authorizing a uniform rule for the naturalization of aliens; expenses of officers, clerks, and other employees appointed to enforce said laws; care, detention, maintenance, transportation, and traveling expenses incident to the deportation and removal of aliens and persons subject to the Chinese exclusion laws, as authorized by law, in the United States, and to, through, or in foreign countries; purchase of supplies and equipment, including alterations and repairs; purchase, exchange, operation, maintenance, and repair of motor-propelled vehicles, including passenger-carrying vehicles for official use in field work; arms, ammunition, and accessories; cost of reports of decisions of the Federal courts and digests thereof, books of reference, and foreign language textbooks for official use; verifications of legal papers; refunding of head tax, maintenance bills, and immigration fines, upon presentation of evidence showing conclusively that collection and deposit was made through error; mileage and fees to witnesses subpoenaed on behalf of the United States, and for all other expenses necessary to enforce said laws, \$1,200,000: *Provided*, That not to exceed \$45,000 of the sum herein appropriated shall be available for the purchase, including exchange, of motor-propelled passenger-carrying vehicles: *Provided further*, That the Commissioner of Immigration and Naturalization, with the approval of the Secretary of Labor, may contract with officers and employees stationed outside of the District of Columbia, whose salaries are payable from the appropriation for field salaries of the Immigration and Naturalization Service, for the use, on official business outside of the District of Columbia, of privately owned horses, and the consideration agreed upon shall be payable from the funds herein appropriated: *Provided further*, That not to exceed \$10,000 of the sum herein appropriated may be expended for payment of rewards, when specifically authorized by the Secretary of Labor, for information leading to the detection, arrest, or conviction of persons violating the immigration or naturalization laws.

Immigration stations: For remodeling, repairing (including repairs to the ferryboat, Ellis Island), renovating buildings, and purchase of equipment, \$53,000.

The appropriation in this title for traveling expenses shall be available in an amount not to exceed \$400 for expenses of attendance at meetings concerned with the work of the Immigration and Naturalization Service when incurred on the written authority of the Secretary of Labor.

Restriction on use of funds.

Contract laborers.
39 Stat. 893.

41 Stat. 68.

General expenses.
Post, p. 646.
Enforcement of immigration, etc., laws.

Purchase of supplies, equipment, etc.

Provisos.
Purchase of vehicles.

Privately owned horses.

Payment of rewards.

Immigration stations; repairs, etc.

Attendance at meetings.

CHILDREN'S BUREAU

Salaries and expenses.

Salaries and expenses: For expenses of investigating and reporting upon matters pertaining to the welfare of children and child life, and especially to investigate the questions of infant mortality; personal services, including experts and temporary assistants; purchase of reports and material for the publications of the Children's Bureau and for reprints from State, city, and private publications for distribution when said reprints can be procured more cheaply than they can be printed by the Government, and other necessary expenses, \$364,500, of which amount not to exceed \$318,000 may be expended for personal services in the District of Columbia.

Fair Labor Standards Act.
Child labor provisions, expenses.

52 Stat. 1060.
29 U. S. C., Supp.
V, §§ 201-219.

Salaries and expenses, child labor provisions, Fair Labor Standards Act: For all authorized and necessary expenses of the Children's Bureau in performing the duties imposed upon it by the Fair Labor Standards Act of 1938, including personal services in the District of Columbia and elsewhere; supplies; services; equipment; newspapers, books of reference, periodicals, and press clippings; and reimbursement to State and local agencies and their employees for services rendered, as authorized by section 11 of said Act, \$288,000.

MATERNAL AND CHILD WELFARE

Maternal and child welfare.
Salaries and expenses.

49 Stat. 629.
42 U. S. C., Supp.
V, §§ 701-731.

Salaries and expenses, maternal and child welfare: For all authorized and necessary administrative expenses of the Children's Bureau in performing the duties imposed upon it by title V of the Social Security Act, approved August 14, 1935, as amended, including personal services, in the District of Columbia and elsewhere; supplies; services; equipment; newspapers, books of reference, periodicals, and press clippings, \$364,000.

GRANTS TO STATES FOR MATERNAL AND CHILD HEALTH SERVICES

Maternal and child health services.

Proviso.
Allotments excluded.
49 Stat. 629, 630.
42 U. S. C., Supp.
V, §§ 702, 704.

Grants to States for maternal and child health services: For grants to States for the purpose of enabling each State to extend and improve services for promoting the health of mothers and children, as authorized in title V, part 1, of the Social Security Act, approved August 14, 1935 (42 U. S. C. 701), as amended, \$5,820,000: *Provided*, That any allotment to a State pursuant to section 502 (b) shall not be included in computing for the purposes of subsections (a) and (b) of section 504 an amount expended or estimated to be expended by the State.

GRANTS TO STATES FOR SERVICES FOR CRIPPLED CHILDREN

Services for crippled children.

49 Stat. 631.
42 U. S. C., Supp.
V, §§ 711-715.

Grants to States for services for crippled children: For the purpose of enabling each State to extend and improve services for crippled children, as authorized in title V, part 2, of the Social Security Act, approved August 14, 1935 (42 U. S. C. 711) as amended, \$3,870,000.

GRANTS TO STATES FOR CHILD-WELFARE SERVICES

Child-welfare services.

49 Stat. 633.
42 U. S. C., Supp.
V, § 721.

Grants to States for child-welfare services: For grants to States for the purpose of enabling the United States, through the Children's Bureau, to cooperate with State public-welfare agencies in establishing, extending, and strengthening public-welfare services for the care of homeless or neglected children, or children in danger of becoming delinquent, as authorized in title V, part 3, of the Social Security Act, approved August 14, 1935 (42 U. S. C. 721) as amended, \$1,510,000.

In the administration of title V of the Social Security Act, as amended, for the fiscal year 1941, payments to the States for any quarter of the fiscal year 1941 under parts 1, 2, and 3 may be made with respect to any State plan approved under such respective parts by the Chief of the Children's Bureau prior to or during such quarter, but no such payment shall be made with respect to any plan for any period prior to the quarter in which such plan is submitted to the Chief of the Children's Bureau for approval.

The appropriation in this title for traveling expenses shall be available for expenses of attendance of cooperating officials and consultants at conferences concerned with the administration of work of the Children's Bureau under the Fair Labor Standards Act and under title V, parts 1, 2, and 3, of the Social Security Act, as amended, when called by the Children's Bureau with the written approval of the Secretary of Labor, and shall be available also, in an amount not to exceed \$7,000, for expenses of attendance at meetings related to the work of the Children's Bureau when incurred on the written authority of the Secretary of Labor.

Payments with respect to State plans.
49 Stat. 629.
42 U. S. C., Supp. V, §§ 701-721.

Attendance at conferences and meetings.

52 Stat. 1060.
29 U. S. C., Supp. V, §§ 201-219.
49 Stat. 629.
42 U. S. C., Supp. V, §§ 701-721.

WOMEN'S BUREAU

Salaries and expenses: For carrying out the provisions of the Act entitled "An Act to establish in the Department of Labor a bureau to be known as the Women's Bureau", approved June 5, 1920 (29 U. S. C. 11-16), including personal services in the District of Columbia, not to exceed \$152,420; purchase of material for reports and educational exhibits, \$154,700.

The appropriation in this title for traveling expenses shall be available in an amount not to exceed \$2,500 for expenses of attendance at meetings concerned with the work of the Women's Bureau when incurred on the written authority of the Secretary of Labor.

Salaries and expenses.

41 Stat. 987.

Attendance at meetings.

WAGE AND HOUR DIVISION

Salaries: For all personal services for the Wage and Hour Division necessary in performing the duties imposed upon it by the Fair Labor Standards Act of 1938, including reimbursement to State, Federal, and local agencies and their employees for services rendered, \$5,430,000, of which amount not to exceed \$1,427,000 (exclusive of pay of members of industry committees) may be expended for personal services in the District of Columbia.

Miscellaneous expenses (other than salaries): For all authorized and necessary expenses, other than salaries, of the Wage and Hour Division in performing the duties imposed upon it by the Fair Labor Standards Act of 1938, including contract stenographic reporting services, purchase (not to exceed \$2,250), maintenance, repair, and operation outside the District of Columbia of motor-propelled passenger-carrying vehicles, lawbooks, books of reference, periodicals, manuscripts and special reports, newspapers and press clippings, supplies, office equipment, advertising, postage, telephone and telegraph service, reimbursement to State, Federal, and local agencies and their employees for services rendered, \$302,000.

The Secretary of Labor may allot or transfer, with the approval of the Director of the Bureau of the Budget, funds from the foregoing appropriations for the Wage and Hour Division to any other bureau or office of the Department of Labor to enable such bureau or office to perform services for the Wage and Hour Division.

The appropriation in this title for traveling expenses shall be available in an amount not to exceed \$4,750 for expenses of attend-

Salaries.
52 Stat. 1060.
29 U. S. C., Supp. V, §§ 201-219.

Miscellaneous expenses.

Transfer, etc., of funds.

Attendance at meetings.

ance at meetings concerned with the work of the Wage and Hour Division when incurred on the written authority of the Secretary of Labor.

Citation of title.

This title may be cited as the "Department of Labor Appropriation Act, 1941".

Federal Security
Agency Appropriation
Act, 1941.

TITLE II—FEDERAL SECURITY AGENCY

OFFICE OF THE ADMINISTRATOR

Salaries.
53 Stat. 1424, 1434,
561.
5 U. S. C., Supp. V,
§§ 133-133t.
Proviso.
Temporary services.

Salaries: For salaries of the Office of the Administrator in performing the duties imposed by the provisions of Reorganization Plans Numbered I and II, under authority of the Reorganization Act of 1939, in the District of Columbia and elsewhere: *Provided*, That of the sum herein appropriated the Administrator may expend not to exceed \$2,500 for temporary employment of persons, by contract or otherwise, for special services determined necessary by the Administrator, without regard to section 3709 of the Revised Statutes, and the civil-service and classification laws, as follows:

For the immediate office of the Administrator, \$113,940.

For the Division of Personnel Supervision and Management, \$427,520.

For the Chief Clerk's Division, \$248,200.

For the Office of the General Counsel, \$539,940.

Total, personal services, Office of the Administrator, \$1,329,600.

Miscellaneous ex-
penses.

Miscellaneous expenses: For contingent and miscellaneous expenses of the Office of the Administrator in the District of Columbia and elsewhere; travel expenses, including not to exceed \$1,500 for expenses of attendance at meetings concerned with the work of the Agency when specifically authorized by the Administrator; not to exceed \$1,000 for the payment of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses of persons serving while away from their homes, without other compensation, in an advisory capacity to the Federal Security Administrator; purchase and exchange of lawbooks, other books of reference, periodicals, and newspapers; library membership fees or dues in organizations which issue publications to members only or to members at a lower price than to others, payment for which may be made in advance; rent in the District of Columbia or elsewhere; and purchase (including exchange), operation, maintenance, and repair of motor-propelled passenger-carrying vehicles, \$102,300.

Transfer of funds.
53 Stat. 1424, 561.
6 U. S. C., Supp. V,
§§ 133-133t.

In order that the Administrator may effectuate part 2 of Reorganization Plan Numbered I, submitted and approved pursuant to the Reorganization Act of 1939, he may transfer to the foregoing appropriations under this title from funds available for administrative expenses of the constituent units of the Federal Security Agency such sums as represent a consolidation in the Office of the Administrator of any of the administrative functions of said constituent units: *Provided*, That no such transfer of funds shall be made unless the consolidation of administrative functions will result in a reduction of administrative salary and other expenses and such reduction is accompanied by savings in funds appropriated to the Federal Security Agency, which savings shall not be expended for any other purpose but shall be impounded and returned to the Treasury.

Proviso.
Conditions.

Printing and bind-
ing.

Printing and binding: For printing and binding for the Federal Security Agency, \$1,133,000.

AMERICAN PRINTING HOUSE FOR THE BLIND

To enable the American Printing House for the Blind more adequately to provide books and apparatus for the education of the blind in accordance with the provisions of the Act approved February 8, 1927 (20 U. S. C. 101), \$115,000.

Expenses.

44 Stat. 1060.
20 U. S. C. § 101;
Supp. V, § 101.

CIVILIAN CONSERVATION CORPS

For all authorized and necessary expenses to carry into effect the provisions of the Act entitled "An Act to establish a Civilian Conservation Corps, and for other purposes", approved June 28, 1937, as amended, including personal services in the District of Columbia and elsewhere; the purchase and exchange of lawbooks, books of reference, periodicals, and newspapers; rents in the District of Columbia and elsewhere; the purchase (including exchange), operation, maintenance and repair of motor-propelled and horse-drawn passenger-carrying vehicles to be used only for official purposes; hire, with or without personal services, of work animals, animal-drawn and motor-propelled vehicles, and watercraft; printing and binding; travel expenses, including not to exceed \$2,000 for expenses of attendance at meetings concerned with the work of the corps when specifically authorized by the Director; construction, improvement, repair, and maintenance of buildings, but the cost of any building erected hereunder shall not exceed \$25,000; and all other necessary expenses; of which \$176,880,000 shall be available only for pay, subsistence, clothing (and repair thereof), transportation, and hospitalization of enrollees; and \$325,000 may be expended in the District of Columbia for salaries and expenses of the office of the Director; \$280,000,000: *Provided*, That an enrollee in the Civilian Conservation Corps, or member, or former member of the Military Establishment, who shall furnish blood from his or her veins for transfusion to the veins of an enrollee or discharged enrollee of the Civilian Conservation Corps undergoing treatment in a Government or civilian hospital authorized to treat such patient, shall be entitled to be paid therefor a reasonable sum not to exceed \$50 for each of such transfusions undergone: *Provided further*, That the Director may authorize the exchange of motor-propelled and horse-drawn vehicles, tractors, road equipment, and boats, and parts, accessories, tires, or equipment thereof, in whole or in part payment for vehicles, tractors, road equipment, or boats, or parts, accessories, tires, or equipment of such vehicles, tractors, road equipment, or boats which the corps has acquired: *Provided further*, That expenditures under the several classes of objects of expenditure for which this appropriation is available shall not exceed by more than 10 per centum the amounts estimated for such objects of expenditure by classes, in the schedule for the fiscal year 1941 appearing in the Budget for such fiscal year under this head, such amounts to be amended to reflect any proportionate change which each should bear in connection with the total amount appropriated herein, and any such excess up to 10 per centum must be approved in writing by the Federal Security Administrator in such amounts as he shall designate: *Provided further*, That the foregoing proviso shall not apply, to whatever extent the President shall direct, in the event of an emergency declared, by the President, to exist.

Expenses.
Post, p. 625.

50 Stat. 319.
16 U. S. C., Supp.
V, §§ 684-684q.

Construction, etc.,
of buildings.Pay, etc., of en-
rollees.
Post, p. 1033.

Provisos.
Payment for blood
transfusion.

Exchange of vehi-
cles, etc.

Limitation on ex-
penditures.
Post, p. 1033.

Emergencies ex-
cepted.

OFFICE OF EDUCATION

Salaries: For the Commissioner of Education and other personal services in the District of Columbia, \$282,100.

Salaries.

General expenses.

General expenses: For general expenses of the Office of Education, including lawbooks, books of reference and periodicals; streetcar fares; traveling expenses, including attendance at meetings of educational associations, societies, and other organizations, and not to exceed \$3,000 for the expenses of persons attending conferences called to meet in the District of Columbia and elsewhere; for compensation, not to exceed \$500, of employees in field service; for purchase, distribution, and exchange of educational documents, motion-picture films, and lantern slides; collection, exchange, and cataloging of educational apparatus and appliances, articles of school furniture and models of school buildings illustrative of foreign and domestic systems and methods of education, and repairing the same; exchange as part payment for office equipment and other expenses not herein provided for, \$26,500.

Library service.

Library service: For making surveys, studies, investigations, and reports regarding public, school, college, university, and other libraries; fostering coordination of public and school library service; coordinating library service on the national level with other forms of adult education; developing library participation in Federal projects; fostering Nation-wide coordination of research materials among the more scholarly libraries, inter-State library cooperation, and the development of public, school, and other library service throughout the country, and for the administrative expenses incident to performing these duties, including salaries of such assistants, experts, clerks, and other employees in the District of Columbia and elsewhere, as the Commissioner of Education may deem necessary, necessary traveling expenses, including attendance at meetings of educational associations, societies, and other organizations, purchase of miscellaneous supplies, equipment, stationery, typewriters, and exchange thereof, postage on foreign mail, purchase of books of reference, lawbooks, and periodicals, printing and binding, and all other necessary expenses, \$24,500.

Study of higher education for Negroes.

Study of higher education for Negroes: For all expenses, including personal services in the District of Columbia and elsewhere, purchase and rental of equipment, purchase of supplies, traveling expenses, including attendance at meetings of educational associations, societies, and other organizations, printing and binding, and all other incidental expenses not included in the foregoing, to enable the Office of Education, at a total cost of not to exceed \$40,000, to make a study of higher education for Negroes to determine first, the higher education needs of Negroes, and second, the areas of educational concentration or specialization upon which the various colleges should embark, \$15,000: *Provided*, That specialists and experts for temporary service in this study may be employed at rates to be fixed by the Administrator of the Federal Security Agency to correspond to those established by the Classification Act of 1923, as amended, and without reference to the Civil Service Act of January 16, 1883.

Proviso.
Employment of specialists, etc.

42 Stat. 1488.
5 U. S. C. §§ 661-674,
631-652; Supp. V,
§§ 673, 673c.
22 Stat. 403.
Further endowment
of designated colleges.

49 Stat. 439.
7 U. S. C., Supp. V,
§ 343d.

Further endowment of colleges of agriculture and the mechanic arts: For carrying out the provisions of section 22 of the Act entitled "An Act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges", approved June 29, 1935 (49 Stat. 436), \$2,480,000.

OFFICE OF EDUCATION—VOCATIONAL EDUCATION

Salaries and expenses.

Salaries and expenses: For carrying out the provisions of section 7 of the Act entitled "An Act to provide for the promotion of voca-

tional education, and so forth", approved February 23, 1917, as amended by the Act of October 6, 1917 (20 U. S. C. 15), and of section 4 of the Act entitled "An Act to provide for the further development of vocational education in the several States and Territories", approved June 8, 1936 (49 Stat. 1488), \$421,900.

Further development of vocational education: For carrying out the provisions of sections 1, 2, and 3 of the Act entitled "An Act to provide for the further development of vocational education in the several States and Territories", approved June 8, 1936 (49 Stat. 1488-1490), \$12,750,000: *Provided*, That the apportionment to the States shall be computed on the basis of not to exceed \$14,483,000 for the fiscal year 1941, as authorized by the Act approved June 8, 1936.

For extending to the Territory of Hawaii the benefits of the Act entitled "An Act to provide for the promotion of vocational education, and so forth", approved February 23, 1917 (20 U. S. C. 11-18), in accordance with the provisions of the Act entitled "An Act to extend the provisions of certain laws to the Territory of Hawaii", approved March 10, 1924 (20 U. S. C. 29), \$30,000.

For extending to Puerto Rico the benefits of the Act entitled "An Act to provide for the promotion of vocational education, and so forth", approved February 23, 1917 (20 U. S. C. 11-18), in accordance with the provisions of the Act entitled "An Act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Puerto Rico", approved March 3, 1931 (20 U. S. C. 11-18; 29 U. S. C. 31-35; 20 U. S. C. 30), \$105,000.

Cooperative vocational rehabilitation of persons disabled in industry: For carrying out the provisions of the Act entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment", approved June 2, 1920 (29 U. S. C. 35), as amended by the Act of June 5, 1924 (29 U. S. C. 31), and the Acts of June 9, 1930, and June 30, 1932 (29 U. S. C. 31-40), section 531 (a) of the Act of August 14, 1935 (49 Stat. 620) and section 508 (a) of the Act approved August 10, 1939 (53 Stat. 1381), \$2,000,000: *Provided*, That the apportionment to the States shall be computed in accordance with the Acts approved June 2, 1920, June 5, 1924, June 9, 1930, June 30, 1932, August 14, 1935, and August 10, 1939, on the basis of not to exceed \$3,000,000 for the fiscal year 1941.

Salaries and expenses, vocational rehabilitation: For carrying out the provisions of section 6 of the Act entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry, and so forth", approved June 2, 1920 (29 U. S. C. 35), and the Acts of June 5, 1924 (29 U. S. C. 31), June 9, 1930, and June 30, 1932 (29 U. S. C. 31, 40), August 14, 1935 (49 Stat. 620), and August 10, 1939 (53 Stat. 1381), and for carrying out the provisions of the Act entitled "An Act to authorize the operation of stands in Federal buildings by blind persons, to enlarge the economic opportunities of the blind, and for other purposes", approved June 20, 1936 (49 Stat. 1559, 1560), including not to exceed \$2,000 for expenses of persons attending conferences called to meet in the District of Columbia and elsewhere, \$113,000.

Cooperative vocational rehabilitation of disabled residents of the District of Columbia: For personal services, printing and binding, travel and subsistence, and payment of expenses of training, placement, and other phases of rehabilitating disabled residents of the District of Columbia under the provisions of the Act entitled "An Act to provide for the vocational rehabilitation of disabled residents

39 Stat. 933; 40 Stat. 345.

20 U. S. C., Supp. V, § 15k.

Further development of vocational education.
Post, p. 1035.

20 U. S. C., Supp. V, §§ 15h-15j.
Proviso.
Apportionment.

Extension of benefits to Hawaii.

39 Stat. 929; 43 Stat. 18.
20 U. S. C., Supp. V, §§ 15d-17.

Extension of benefits to Puerto Rico.

39 Stat. 929.

46 Stat. 1489.
20 U. S. C. § 30; 29 U. S. C. § 45a.

Persons disabled in industry.
Post, p. 1035.

41 Stat. 735; 43 Stat. 430; 46 Stat. 524; 47 Stat. 448.
29 U. S. C., Supp. V, § 45b.

Proviso.
Basis of apportionment.

Vocational rehabilitation.
Salaries and expenses.

Vending stands for blind.

20 U. S. C., Supp. V, §§ 107-107f.

Disabled residents of D. C.

7 D. C. Code, §§ 201-207; Supp. V, § 206.

Extension of benefits to Hawaii.

41 Stat. 735.

43 Stat. 18.

Attendance at meetings.

Exclusive use of designated funds.

Ante, p. 314.

Salaries, Office of Surgeon General.

Miscellaneous and contingent expenses.
Post, p. 1033.

Exhibits.

Living quarters.

46 Stat. 818.

Proviso.
Transportation of remains of officers.

Commissioned officers, pay, etc.; limitation on number.
Ante, p. 205; *post*, p. 1033.

Proviso.
Exceeding of number, limitation.

of the District of Columbia", approved February 23, 1929 (45 Stat. 1260), as amended by the Act approved April 17, 1937 (50 Stat. 69), \$25,000.

Promotion of vocational rehabilitation of persons disabled in industry in Hawaii: For extending to the Territory of Hawaii the benefits of the Act entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry", approved June 2, 1920, as amended (29 U. S. C. 31-44), in accordance with the provisions of the Act entitled "An Act to extend the provisions of certain laws to the Territory of Hawaii", approved March 10, 1924 (29 U. S. C. 45), \$5,000.

Not to exceed an aggregate of \$4,000 of appropriations available to the Office of Education for salaries and expenses for vocational education may be used for expenses of attendance at meetings of educational associations and other organizations concerned with vocational education.

All appropriations for vocational education under the Office of Education in this Act shall be used exclusively for vocational education purposes.

PUBLIC HEALTH SERVICE

Salaries, Office of Surgeon General: For personal services in the District of Columbia, \$285,400.

Miscellaneous and contingent expenses: For miscellaneous and contingent expenses necessary for the work of the Public Health Service, including exchange of motortrucks; operation, maintenance, and repair of passenger-carrying automobiles; exchange of typewriters and other labor-saving office equipment; contract stenographic reporting services; not to exceed \$1,000 for the preparation of Public Health exhibits, including personal services and the cost of acquiring, transporting, and displaying exhibit materials; packing, crating, drayage, and transportation of personal effects of commissioned officers and other personnel on transfer from one official station to another in the public interest when authorized by the Surgeon General in the order directing such transfer; not to exceed \$500 for lawbooks, books of reference, and periodicals for the Office of the Surgeon General; newspaper clippings; streetcar fares; transportation and traveling expenses, including payment of actual transportation expenses and not to exceed \$10 per day in lieu of subsistence to any person invited by the Surgeon General to the city of Washington or elsewhere for conference and advisory purposes, and expenses, except membership fees, of officers when officially detailed to attend meetings for the promotion of public health; and allowances for living quarters (not exceeding \$1,700 for any one person) including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a); \$56,000: *Provided*, That funds of the Public Health Service expendable for transportation and traveling expenses may also be used for preparation for shipment and transportation to their former homes of remains of officers who die in line of duty.

Commissioned officers, pay, and so forth: For pay, allowance, and commutation of quarters for not to exceed 457 regular active commissioned officers (including the Surgeon General, Assistant to the Surgeon General and assistant surgeons general) and for pay of regular commissioned officers on waiting orders, \$2,035,300: *Provided*, That the above limitation on the number of regular active commissioned officers may be exceeded by the number (not in excess of thirty) of regular active commissioned officers assigned to Federal penal and correctional institutions.

Acting assistant surgeons, pay: For pay of acting assistant surgeons (noncommissioned medical officers), \$323,300.

Pay of other employees: For pay of all other employees (attendants, and so forth), \$1,021,500.

National Institute of Health, maintenance: For maintaining the National Institute of Health, \$141,000.

Pay of personnel and maintenance of hospitals: For medical examinations, including the amount necessary for the medical inspection of aliens, as required by section 16 of the Act of February 5, 1917 (8 U. S. C. 152), medical, surgical, and hospital services and supplies, including prosthetic and orthopedic supplies to be furnished under regulations approved by the Administrator of the Federal Security Agency for beneficiaries (other than patients of the Veterans' Administration) of the Public Health Service and persons detained in hospitals of the Public Health Service under the quarantine or immigration laws and regulations, including necessary personnel and reserve commissioned officers of the Public Health Service, personal services in the District of Columbia and elsewhere, including the furnishing and laundering of white duck coats, trousers, smocks, aprons, and caps to employees whose duties make necessary the wearing of same, reasonable fees (not to exceed \$50 for each blood donation) to Government employees and others for services as donors of blood to be used in transfusions, maintenance, minor repairs, equipment, leases, fuel, lights, water, freight, transportation and travel, the maintenance, exchange, and operation of motortrucks and passenger motor vehicles for official use in field work (including not to exceed \$3,000 for the purchase of motor-propelled passenger-carrying vehicles) and one for use in connection with the administrative work of the Public Health Service in the District of Columbia, purchase of ambulances, transportation, care, maintenance, and treatment of lepers, including transportation to their homes in the continental United States of recovered indigent leper patients, court costs, and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for the care and treatment of the insane, and reasonable burial expenses (not exceeding \$100 for any patient dying in hospital), \$7,362,000: *Provided*, That the Immigration Service shall permit the Public Health Service to use the hospitals at Ellis Island Immigration Station for the care of Public Health Service patients free of expense for physical upkeep, but with a charge of actual cost of fuel, light, water, telephone, and similar supplies and services, to be covered into the proper Immigration Service appropriations; and money collected by the Immigration Service on account of hospital expenses of persons detained in hospitals of the Public Health Service under the immigration laws and regulations shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That no part of this sum shall be used for the quarantine service (except for persons detained in hospitals of the Public Health Service at points where no quarantine hospital facilities are available), the prevention of epidemics, or scientific work of the character provided for under the appropriations which follow.

Quarantine service: For maintenance and ordinary expenses, exclusive of pay of officers and employees of United States quarantine stations, including the exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use in field work and not to exceed \$5,000 for the purchase of motor-propelled passenger-carrying vehicles, \$280,000.

Prevention of epidemics: To enable the President, in case only of threatened or actual epidemic of infectious or contagious disease,

Acting assistant surgeons, pay.

Pay of other employees.

National Institute of Health, maintenance.

Pay of personnel and maintenance of hospitals.
Post, p. 1033.
39 Stat. 885.

Vehicles.

Lepers, insane, etc.

Provided,
Use of Ellis Island hospitals.

Restriction on use of funds.

Quarantine service.

Prevention of epidemics.

to aid State and local boards or otherwise in his discretion, in preventing and suppressing the spread of the same, and in such emergency in the execution of any quarantine laws which may be then in force, \$380,700, including the purchase of newspapers and clippings from newspapers containing information relating to the prevalence of disease and the public health.

Interstate quaran-
tine service.

Interstate quarantine service: For cooperation with State and municipal health authorities in the prevention of the spread of contagious and infectious diseases in interstate traffic, including the purchase and exchange, not to exceed \$1,300, and maintenance, repair, and operation of passenger-carrying automobiles, \$35,800.

Biologic products.

Biologic products: To regulate the propagation and sale of viruses, serums, toxins, and analogous products, including arsphenamine, for the preparation of curative and diagnostic biologic products, including personal services of Reserve commissioned officers and other personnel, \$52,500.

Division of Venereal
Diseases.

40 Stat. 886,
42 U. S. C., Supp.
V, § 25.
42 U. S. C., Supp.
V, §§ 25a-25e.

Division of Venereal Diseases: For the maintenance and expenses of the Division of Venereal Diseases, established by sections 3 and 4, chapter XV, of the Act approved July 9, 1918 (42 U. S. C. 24, 25), and for the purpose of carrying out the provisions of the Act of May 24, 1938 (52 Stat. 439-440), including rent and personnel and other services in the District of Columbia and elsewhere; items otherwise properly chargeable to the appropriations for printing and binding, stationery, and miscellaneous and contingent expenses for the Federal Security Agency and Public Health Service; purchase of reports, documents, and other material for publication and of reprints from State, city, and private publications; purchase, including exchange (not to exceed \$1,500), maintenance, repair, and operation of passenger-carrying automobiles for official use in field work; transportation; traveling expenses, including attendance at public meetings when directed by the Surgeon General; and the packing, crating, drayage, and transportation of personal effects of commissioned officers and other personnel of the Public Health Service upon permanent change of station, \$6,200,000, of which not to exceed \$98,000 may be transferred, with the approval of the Director of the Bureau of the Budget, to the appropriation "Pay, and so forth, commissioned officers, Public Health Service".

Vehicles.

Transfer of funds.

Division of Mental
Hygiene.
46 Stat. 586.
Lexington, Ky., and
Fort Worth, Tex.,
hospitals.

45 Stat. 1085.

Personal services.

Division of Mental Hygiene: For carrying out the provisions of section 4 of the Act of June 14, 1930 (21 U. S. C. 196, 225); for maintenance and operation of the United States Public Health Service Hospital, Lexington, Kentucky, and the United States Public Health Service Hospital of Fort Worth, Texas, in accordance with the provisions of the Act of January 19, 1929 (21 U. S. C. 221-237), including personal services in the District of Columbia (not to exceed \$34,820) and elsewhere; traveling expenses; firearms and ammunition; necessary supplies and equipment; reimbursement to the working capital fund for articles or services furnished by the industrial activities; subsistence and care of inmates; expenses incurred in pursuing and identifying escaped inmates, including rewards for their capture; expenses of interment or transporting remains of deceased inmates including the remains of persons voluntarily admitted; purchase and exchange of farm products and livestock; law books, books of reference, newspapers, and periodicals; furnishing and laundering of uniforms and other distinctive wearing apparel necessary for employees in the performance of their official duties; transportation and subsistence allowance when necessary, within continental United States and under regulations approved by the Administrator of the Federal Security Agency, of persons voluntarily admitted and discharged as cured; tobacco for inmates; purchase and exchange (not

Vehicles.

to exceed \$2,100), and maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, \$1,438,500, and the Surgeon General is authorized to utilize Government-owned automotive equipment in transporting to and from school, children of Public Health Service personnel on duty at the Public Health Service hospitals at Fort Worth, Texas, and Lexington, Kentucky, who have quarters for themselves and their families on the station reservations.

Grants to States for public-health work: For the purpose of assisting States, counties, health districts, and other political subdivisions of the States in establishing and maintaining adequate public-health services, including the training of personnel for State and local health work, as authorized in sections 601 and 602, title VI, of the Social Security Act, approved August 14, 1935, as amended (49 Stat. 634), \$11,000,000.

Disease and sanitation investigations: For carrying out the provisions of section 603 of the Social Security Act, approved August 14, 1935, and section 1 of the Act of August 14, 1912, including rent and personnel and other services in the District of Columbia and elsewhere and items otherwise properly chargeable to the appropriations for printing and binding, stationery, and miscellaneous and contingent expenses for the Federal Security Agency and Public Health Service, the provisions of section 6, Act of August 23, 1912 (31 U. S. C. 669), to the contrary notwithstanding, the packing, crating, drayage, and transportation of the personal effects of commissioned officers, and other personnel of the Public Health Service upon permanent change of station, and including the purchase (not to exceed \$2,500), exchange, maintenance, repair, and operation of passenger-carrying automobiles for official use in field work, \$1,625,000, of which not to exceed \$215,790 may be transferred, with the approval of the Director of the Bureau of the Budget, to the appropriation "Pay, and so forth, commissioned officers, Public Health Service".

National Cancer Institute: For carrying into effect the provisions of section 7 (b) of the National Cancer Institute Act, approved August 5, 1937, \$570,000.

SOCIAL SECURITY BOARD

Salaries and expenses: For all authorized and necessary administrative expenses of the Social Security Board in performing the duties imposed upon it by law, including three Board members, an executive director at a salary of \$9,500 a year, and other personal services in the District of Columbia and elsewhere; travel expenses, including not to exceed \$10,000 for expenses of attendance at meetings concerned with the work of the Board when specifically authorized by the chairman and not to exceed \$5,000 for travel in foreign countries; not to exceed \$10,000 for payment of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses of persons serving while away from their home, without other compensation, in an advisory capacity to the Social Security Board; expenses of packing, crating, drayage, and transportation of household goods and other personal effects (not to exceed in any case five thousand pounds) of officers and employees when transferred from one official station to another for permanent duty (including employees transferred from duty at Baltimore, Maryland, to duty at Washington, District of Columbia) when specifically authorized by the Board; supplies; reproducing, photographing, and all other equipment, office appliances, and labor-saving devices; services; advertising, postage, telephone, telegraph; newspapers and press

Public-health work.

42 U. S. C., Supp.
V, §§ 801, 802.

Disease and sanitation investigations.
49 Stat. 635.
42 U. S. C., Supp.
V, § 803.
37 Stat. 309.
42 U. S. C. §1.

37 Stat. 414.

Transfer of funds.

National Cancer Institute.
50 Stat. 562.
42 U. S. C., Supp.
V, § 1371 (b).

Salaries and expenses.

Travel expenses.

Transportation, etc., of household goods.

Supplies, etc.

	clippings (not to exceed \$1,500), periodicals, manuscripts and special reports, purchase and exchange of lawbooks and other books of reference; library membership fees or dues in organizations which issue publications to members only or to members at a lower price than to others, payment for which may be made in advance; alterations and repairs; rentals, including garages, in the District of Columbia or elsewhere; expenses incident to moving offices of the Board from one building to another in Washington and from Baltimore to Washington; purchase and exchange, not to exceed \$5,000, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles to be used only for official purposes in the District of Columbia and in the field; and miscellaneous items, including those for public instruction and information deemed necessary by the Board, \$27,219,500: <i>Provided</i> , That the Board may expend, of the sum herein appropriated, not to exceed \$100,000 for the procurement of information relating to the death of individuals entitled to benefits, receiving benefits, or upon whose death some other individual may become entitled to benefits, under title II of the Social Security Act, as amended, from proper State and local officials, including officials of the District of Columbia, Alaska, and Hawaii and for personal services in connection with the procurement of such information, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5), and the provisions of other laws applicable to the employment and compensation of officers and employees of the United States: <i>Provided further</i> , That no salary shall be paid for personal services from the money herein appropriated under the heading "Social Security Board" in excess of the rates allowed by the Classification Act of 1923, as amended for similar services: <i>Provided further</i> , That this latter proviso shall not apply to the salaries of the Board members: <i>Provided further</i> , That employees of the Bureau of Old-Age and Survivors' Insurance when engaged in the investigation of claims or the furnishing or securing of information concerning claims or wage records under title II of the Social Security Act, as amended, may be reimbursed for official travel performed by them in privately owned automobiles within the corporate limits of their official stations at a rate not to exceed 3 cents per mile: <i>Provided further</i> , That expenditures under the several classes of objects of expenditure for which this appropriation is available shall not exceed by more than 10 per centum the amounts estimated for such objects of expenditure by classes, in the schedule for the fiscal year 1941 appearing in the Budget for such fiscal year under this head, and any such excess must be approved in writing by the Federal Security Administrator in such amounts as he shall designate.
Vehicles.	
Provisos. Information relating to death of bene- ficiaries.	
53 Stat. 1362. 42 U. S. C., Supp. V, §§ 401-410a.	
Salary limitation. 42 Stat. 1488. 5 U. S. C. §§ 661- 674; Supp. V, §§ 673, 673c.	
Exceptions.	
Official travel in privately owned auto- mobiles.	
Restriction on exp- enditures.	
Old-age assistance.	Grants to States for old-age assistance: For grants to States for assistance to aged needy individuals, as authorized in title I of the Social Security Act, approved August 14, 1935, as amended, \$245,000,000, of which sum such amount as may be necessary shall be available for grants under such title I for any period in the fiscal year 1940 subsequent to March 31, 1940: <i>Provided</i> , That payments to States for the fourth quarter of the fiscal year 1940 and for any quarter in the fiscal year 1941 under such title I may be made with respect to any State plan approved under such title I by the Social Security Board prior to or during such period, but no such payment shall be made with respect to any plan for any period prior to the quarter in which such plan was submitted to the Board for approval.
49 Stat. 620. 42 U. S. C., Supp. V, §§ 301-306.	
Proviso. Payments with re- spect to State plans.	
Unemployment compensation admin- istration. 49 Stat. 628. 42 U. S. C., Supp. V, §§ 501-503.	Grants to States for unemployment compensation administration: For grants to States for unemployment compensation administration, as authorized in title III of the Social Security Act, approved August 14, 1935, as amended, including rentals in the District of

Columbia and elsewhere, \$61,000,000: *Provided*, That the Social Security Board is hereby authorized to certify to the Secretary of the Treasury for payment to the Postmaster General for postage, out of the amount herein appropriated, such amounts as may be necessary and at such intervals as shall be determined by the Board, under a procedure to be prescribed and agreed upon by and between the Board and the Postmaster General, for the transmission of official mail matter heretofore transmitted free pursuant to the provisions of section 13 of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U. S. C. 491) and for the transmission of official mail matter in connection with the unemployment compensation administration of States receiving grants out of the funds herein appropriated; the Postmaster General is hereby authorized and directed to extend to the States receiving such grants the privilege of transmission without prepayment of postage of official mail of the class upon which the Board is hereinabove authorized to certify amounts for payment of postage.

Proviso.
Payment for postage.

48 Stat. 117.
29 U. S. C. § 491.

Grants to States for aid to dependent children: For grants to States for the purpose of enabling each State to furnish financial assistance to needy dependent children, as authorized in title IV of the Social Security Act, approved August 14, 1935, as amended, \$75,000,000, of which sum such amount as may be necessary shall be available for grants under such title IV for any period in the fiscal year 1940 subsequent to March 31, 1940: *Provided*, That payments to States for the fourth quarter of the fiscal year 1940 and for any quarter in the fiscal year 1941 under such title IV may be made with respect to any State plan approved under such title IV by the Social Security Board prior to or during such period, but no such payment shall be made with respect to any plan for any period prior to the quarter in which such plan was submitted to the Board for approval.

Aid to dependent children.

49 Stat. 627.
42 U. S. C., Supp.
V, §§ 601-606.

Proviso.
Payments with respect to State plans.

Grants to States for aid to the blind: For grants to States for the purpose of enabling each State to furnish financial assistance to needy individuals who are blind, as authorized in title X of the Social Security Act, approved August 14, 1935, as amended, \$10,000,000, of which sum such amount as may be necessary shall be available for grants under such title X for any period in the fiscal year 1940 subsequent to March 31, 1940: *Provided*, That payments to States for the fourth quarter of the fiscal year 1940 and for any quarter in the fiscal year 1941 under such title X may be made with respect to any State plan approved under such title X by the Social Security Board prior to or during such period, but no such payment shall be made with respect to any plan for any period prior to the quarter in which such plan was submitted to the Board for approval.

Aid to the blind.

49 Stat. 645.
42 U. S. C., Supp.
V, §§ 1201-1206.

Proviso.
Payments with respect to State plans.

Grants to States for public employment offices: For payment to the several States in accordance with the provisions of the Act of June 6, 1933 (29 U. S. C. 49-491), as amended, \$3,000,000: *Provided*, That apportionments for the fiscal year 1941 shall be on the basis of a total apportionment to all States of \$3,000,000: *Provided further*, That the unused balances of amounts apportioned to the several States for the fiscal year 1939 for establishing and maintaining public employment offices shall be reapportioned among all the States, in accordance with such Act of June 6, 1933, as amended, without regard to the sufficiency therefor of the fund established under this head for payment to States by the Department of Labor Appropriation Act, 1939.

Public employment offices.
48 Stat. 113.
29 U. S. C., Supp.
V, § 49d.
Provisos.
Apportionments.
Reapportionment of unused balances.

52 Stat. 289.

The appropriations herein made for "Grants to States for old-age assistance", "Grants to States for aid to dependent children", and

Funds interchangeable.

"Grants to States for aid to the blind", shall be available interchangeably for transfer of appropriations, but no such transfer shall be made except upon approval of the Director of the Bureau of the Budget.

Availability of designated appropriations.
52 Stat. 426.

The appropriations made in the Independent Offices Appropriation Act, 1939, for "Grants to States for old-age assistance", "Grants to States for aid to dependent children", and "Grants to States for aid to the blind" shall be considered to have been available for such grants made to States during the fiscal year 1939 with respect to the first quarter of the fiscal year 1940.

National Youth Administration Appropriation Act, 1941.
Extension to June 30, 1941.
Post, p. 1035.

NATIONAL YOUTH ADMINISTRATION

Types of programs.

Schools, colleges, etc., part-time employment of students.

Employment, etc., on designated types of public projects.
Post, p. 1035.

PAR. 1. Part-time youth work and student aid: To enable the National Youth Administration, which is hereby extended to and including June 30, 1941, under the supervision and direction of the Federal Security Agency, to engage in the following types of programs for assistance to needy young persons, \$95,984,000, namely:

(a) To provide part-time employment for needy young persons in schools, colleges, and universities to enable such persons to continue their education.

(b) To provide employment and training for unemployed young persons on public projects of the following types:

(I) The construction, improvement, and repair of non-Federal public buildings and grounds, parks, and other recreational facilities; bridges, highways, roads, streets, and alleys; airports and airway facilities; water and sanitation facilities; facilities for conservation; irrigation and flood control; pest eradication; and work on all other non-Federal public facilities including cooperative associations receiving financial assistance from the Rural Electrification Administration or other public agencies;

(II) The construction, improvement, and repair of buildings or other facilities of Federal agencies;

(III) The production, repair, and renovation of goods, articles, and foodstuffs for needy individuals and for public institutions providing that products so produced do not replace normal purchases of such individuals or institutions;

(IV) Professional, clerical, and other nonconstruction services in the fields of education, recreation, research, professional, cultural, and clerical activities for the benefit of public and nonprofit organizations;

(V) The prosecution of work of the types enumerated above which involve the maintenance of young persons in camps, institutions, and other resident facilities.

Salaries and other administrative expenses.
Post, p. 1035.

PAR. 2. Salaries and other administrative expenses: For personal services and necessary miscellaneous expenses in the District of Columbia and elsewhere for carrying out the administration of the programs set forth in paragraph 1, including supplies and equipment; purchase and exchange of books of reference, directories, and periodicals, newspapers, and press clippings; travel expenses, including expenses of attendance at meetings of officials and employees on official business; rental at the seat of government and elsewhere; purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles and such other expenses as may be necessary for the accomplishment of the objectives set forth in paragraph 1, \$6,100,000: *Provided*, That the National Youth Administration may transfer from the above sum to the appropriation in paragraph 1 such amounts as will not be required for the purposes of this paragraph: *Provided further*, That there may be transferred from the above sum of

Proviso.
Transfer of funds.

Reimbursement to certain appropriations.

\$6,100,000 to appropriations of the Treasury Department such amounts, not to exceed in the aggregate the sum of \$783,000, as the Director of the Bureau of the Budget may determine to be proper, to reimburse such appropriations on account of expenditures therefrom in connection with the accomplishments of the purposes of the appropriations herein for the National Youth Administration.

PAR. 3. Printing and binding: For printing and binding for the National Youth Administration, \$75,000.

Printing and binding.
Post, p. 1035.
Monthly earnings and hours of work.

PAR. 4. The Administrator of the National Youth Administration shall, subject to the approval of the Federal Security Administrator, fix the monthly earnings and hours of work for youth workers engaged on work projects financed in whole or in part from the appropriation in paragraph 1, but such determination shall not have the effect of establishing a national average labor cost per youth worker on such projects during the fiscal year 1941 substantially different from the national average labor cost per such worker on such projects prevailing at the close of the fiscal year 1940: *Provided*, That the National Youth Administrator shall so distribute funds among the several States for the operation of the projects specified in paragraph 1 (b) of this title that the amount made available during the fiscal year for the operation of such projects for the benefit of the young people of each individual State shall bear the same ratio to the total funds made available for this purpose in all States as the youth population of that State bears to the total youth population of the United States.

Proviso.
Distribution of funds; ratio.

PAR. 5. Funds appropriated under paragraph 1 shall be so apportioned and distributed over the period ending June 30, 1941, and shall be so administered during such period as to constitute the total amount that will be furnished during such period for the purposes set forth in paragraph 1.

Apportionment, etc., of designated funds.

PAR. 6. No non-Federal construction project costing in excess of \$5,000 shall be undertaken or prosecuted under paragraph 1 unless and until the cosponsor has made a written agreement to finance such part of the entire cost thereof as the Federal Security Administrator determines, under the circumstances, is an adequate contribution taking into consideration the financial ability of the cosponsor. The National Youth Administrator, subject to the approval of the Federal Security Administrator, shall prescribe rules and regulations relating to the valuation of contributions in kind by cosponsors of projects through furnishing the use of their own facilities and equipment and the services of their own employees, which shall also allow credit only to the extent that the furnishing of such contributions represents a financial burden which is undertaken by the cosponsors on account of National Youth Administration projects.

Non-Federal construction projects.
Cosponsor contributions.

Valuation of contributions in kind.

Credits.

PAR. 7. The National Youth Administration is authorized to receive from cosponsors of non-Federal projects contributions in services, materials, or money, any money so received to be deposited with the Treasurer of the United States. Such contributions shall be expended or utilized as agreed upon between the cosponsor and the National Youth Administrator.

Cosponsor contributions; deposit; utilization.

PAR. 8. All receipts and collections by reason of operations authorized in paragraph 1, except cash contributions of cosponsors of projects, shall be covered into the Treasury as miscellaneous receipts.

Receipts, etc., to be covered into Treasury; exception.

PAR. 9. In considering employment of persons upon work projects prosecuted under the appropriation in paragraph 1, the National Youth Administration shall determine whether such persons are able to perform the work on work projects to which they can be assigned and no person shall be employed or retained for employment on any

Qualifications for employment.

such project whose work habits are such or work record shows that he is incapable of performing satisfactorily the work to which he may be assigned on the project.

Restriction on employment of aliens.

PAR. 10. No alien shall be given employment or continued in employment on any work project prosecuted under the appropriation in paragraph 1 and no part of the money appropriated in paragraph 1 or paragraph 2 shall be available to pay any person who has not made or who does not make affidavit as to United States citizenship, such affidavit to be considered prima facie evidence of such citizenship.

Refusal of private employment offer.

PAR. 11. No person in need who refuses a bona fide offer of private employment under reasonable working conditions which pays the prevailing wage for such work in the community where he resides and who is capable of performing such work shall be employed or retained in employment on out-of-school work projects under the funds appropriated in paragraph 1 for the period such private employment continues available.

Oath of office required.

PAR. 12. No person shall be employed or retained in employment in any administrative position, or in any supervisory position on any project, and no person shall receive assistance in the form of payments or otherwise from the United States for services rendered under the National Youth Administration, under the appropriation in paragraph 1 or paragraph 2 unless such person before engaging in such employment or receiving such assistance subscribes to the following oath:

"I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office (or employment) on which I am about to enter (or which I now occupy). So help me God."

Administration of oath.

The National Youth Administrator shall designate administrative and supervisory employees to administer such oath, but no fee shall be charged therefor.

Persons advocating overthrow of U. S. Government.

PAR. 13. No portion of the appropriation in paragraph 1 or paragraph 2 shall be used to pay any compensation to any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States through force or violence.

Inapplicability of Executive Order No. 7916.

PAR. 14. The provisions of Executive Order Numbered 7916, dated June 24, 1938, shall not apply to positions the compensation of which is payable from the appropriations in paragraphs 1 and 2 and such appropriations shall not be available for the compensation of the incumbent of any position placed in the competitive classified civil service of the United States after January 10, 1939.

Acceptance of uncompensated services.

PAR. 15. In carrying out the purposes of the appropriation in paragraph 2, the National Youth Administrator, subject to the approval of the Federal Security Administrator, is authorized to accept and utilize voluntary and uncompensated services, to appoint and compensate, without regard to civil-service laws or the Classification Act of 1923, as amended, officers and employees, and to utilize, with the consent of the head of the Federal agency by which they are employed, Federal officers and employees, and with the consent of the State or local government, State and local officers and employees at such compensation (without regard to the Classification Act of 1923, as amended) as shall be determined by the National Youth Administrator to be necessary, and to prescribe their authorities, duties, responsibilities, and tenure.

Appointments.

42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. V. §§ 673, 673c.
Utilization of Federal, State, and local employees.

PAR. 16. Appointments in any State to Federal positions of an administrative or advisory capacity under the appropriation in paragraph 2 shall be made from among the bona fide citizens of that State so far as not inconsistent with efficient administration.

Appointments to Federal administrative positions in States.

PAR. 17. In making separations from the Federal service, or furloughs without pay to last as long as three months, of persons employed within the District of Columbia, under the provisions of paragraph 2, the appointing power shall give preference, as nearly as good administration will warrant, in retention to appointees from States that have not received their share of appointments according to population: *Provided, however,* That soldiers and sailors, and marines, the widows of such, or the wives of injured soldiers, sailors, and marines, who themselves are not qualified, but whose wives are qualified to hold a position in the Government service, shall be given preference in retention, in their several grades and classes, where their ratings are good or better.

Separations.

Proriso.
Preferential status of soldiers, etc.

PAR. 18. The provisions of the Act of February 15, 1934 (48 Stat. 351), as amended, relating to disability or death compensation and benefits, shall apply to persons receiving compensation from the appropriation in paragraph 1 for services rendered as employees of the United States: *Provided,* That this section shall not apply in any case coming within the purview of the workmen's compensation law of any State, Territory, or possession, or in which the claimant has received or is entitled to receive similar benefits for injury or death: *Provided further,* That for carrying out the purposes of this paragraph there shall be made available to the United States Employees' Compensation Commission from the appropriation in such paragraph 1 the sum of \$90,000, or so much thereof as such Commission, with the approval of the Bureau of the Budget, estimates and certifies to the Secretary of the Treasury will be necessary for such purposes.

Disability or death compensation, etc.
5 U. S. C. § 796.

Provisos.
Exceptions.

Funds available.
Post, p. 1035.

PAR. 19. The National Youth Administrator, subject to the approval of the Federal Security Administrator, is authorized to consider, ascertain, adjust, determine, and pay from the appropriation in paragraph 1 any claim arising out of operations thereunder accruing after June 30, 1940, on account of damage to, or loss of, privately owned property caused by the negligence of any employee of the National Youth Administration, while acting within the scope of his employment. No claim shall be considered hereunder which is in excess of \$500 or which is not presented in writing within one year from the date of accrual thereof. Acceptance by a claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof, and the action upon such claim so accepted by the claimant shall be conclusive.

Settlement of private damage claims.

Limitation.

Acceptance.

PAR. 20. Any person who knowingly and with intent to defraud the United States makes any false statement in connection with any application for any project authorized in paragraph 1, or diverts, or attempts to divert, or assists in diverting, for the benefit of any person or persons not entitled thereto, any portion of the appropriation in paragraph 1, or any services or real or personal property acquired thereunder, or who knowingly, by means of any fraud, force, threat, intimidation, or boycott, or discrimination on account of race, religion, political affiliations, or membership in a labor organization, deprives, or attempts to deprive, or assists in depriving any person of any of the benefits to which he may be entitled under such appropriation, shall be deemed guilty of a felony and fined not more than \$2,000 or imprisoned not more than two years, or both. The provisions of this paragraph shall be in addition to, and not in substitution for, any other provisions of existing law.

False statements with intent to defraud, etc.

Penalty.

Citation of paragraphs.

PAR. 21. The paragraphs herein under the National Youth Administration may be cited as the "National Youth Administration Appropriation Act, 1941".

Minor purchases.
Post, p. 1109.

Section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase with funds appropriated under this title when the aggregate amount involved in such purchase does not exceed the sum of \$100.

Citation of title.

This title may be cited as the "Federal Security Agency Appropriation Act, 1941".

Employees' Compensation Commission Appropriation Act, 1941.
Salaries and expenses.
Ante, p. 310.

TITLE III—EMPLOYEES' COMPENSATION COMMISSION

Salaries and expenses: For three Commissioners and other personal services in the District of Columbia, including not to exceed \$1,000 for temporary experts and assistants in the District of Columbia and elsewhere, to be paid at a rate not exceeding \$8 per day, and for personal services in the field; for furniture and other equipment and repairs thereto; lawbooks, books of reference, periodicals; stationery and supplies; traveling expenses; fees and mileage of witnesses; contract stenographic reporting services; rent at the seat of government and elsewhere; and miscellaneous items; \$495,000.

Printing and binding.
Ante, p. 310.

For all printing and binding for the Employees' Compensation Commission, \$8,000.

Employees' compensation fund.

Employees' compensation fund: For the payment of compensation provided by "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916 (5 U. S. C. 785), including medical examinations, traveling and other expenses, and loss of wages payable to employees under sections 21 and 22; all services, appliances, and supplies provided by section 9 as amended, including payments to Army, Navy, and Veterans' Administration hospitals; the transportation and burial expenses provided by sections 9 and 11; and advancement of costs for the enforcement of recoveries provided in sections 26 and 27 where necessary, accruing during the fiscal year 1941 or in prior fiscal years, \$4,600,000.

39 Stat. 742.
5 U. S. C. §§ 751-796;
Supp. V, §§ 756-797.

EMPLOYEES' COMPENSATION FUND, CIVIL WORKS

Administrative expenses and compensation payments.

For administrative expenses (not to exceed \$6,800) and payment of compensation in connection with the administration of the benefits for employees of the Civil Works Administration in accordance with the provisions of the Act entitled "An Act making an additional appropriation to carry out the purposes of the Federal Emergency Relief Act of 1933, for continuation of the Civil Works program, and for other purposes", approved February 15, 1934 (48 Stat. 352), and in connection with the administration of the benefits authorized by title V of the Act entitled "An Act to liberalize the provisions of Public Law Numbered 484, Seventy-third Congress, to effect uniform provisions in laws administered by the Veterans' Administration, to extend the Employees' Compensation Act with limitations to certain World War veterans and other persons, and for other purposes", approved June 29, 1936 (49 Stat. 2035), \$193,200 of the special fund set up on the books of the Treasury pursuant to the provisions of said Act of February 15, 1934, shall be available for expenditure during the fiscal year 1941.

5 U. S. C. § 796.

EMPLOYEES' COMPENSATION FUND, EMERGENCY CONSERVATION WORK

Administrative expenses and compensation payments.

For administrative expenses (not to exceed \$33,000) and payment of compensation in connection with the administration of the benefits

for enrollees of the Civilian Conservation Corps in accordance with the provisions of the Act entitled "Emergency Appropriation Act, fiscal year 1935", approved June 19, 1934 (48 Stat., p. 1057), \$675,600 of the special fund set up on the books of the Treasury pursuant to the provisions of said Act shall be available for expenditure during the fiscal year 1941.

EMPLOYEES' COMPENSATION FUND, EMERGENCY RELIEF

For administrative expenses (not to exceed \$680,250, of which not to exceed \$75,000 may be added to the appropriation in this Act for the salaries and expenses of the Employees' Compensation Commission and be available for the purposes thereof) and for the payment of compensation, including payments to Federal agencies for medical and hospital services, in connection with the administration of the benefits authorized by the Emergency Relief Appropriation Acts of 1935, 1936, 1937, 1938, and 1939, \$5,425,000 of the special funds set up on the books of the Treasury pursuant to the provisions of the said Acts shall be available for expenditure during the fiscal year 1941.

This title may be cited as the "Employees' Compensation Commission Appropriation Act, 1941".

Administrative expenses and compensation payments.

49 Stat. 115, 1608; 50 Stat. 352; 52 Stat. 809; 53 Stat. 927.

Citation of title.

TITLE IV—NATIONAL LABOR RELATIONS BOARD

Salaries: For three Board members of the National Labor Relations Board and other personnel services of the Board in the District of Columbia and elsewhere necessary in performing the duties imposed by law or in pursuance of law, \$2,072,000.

Miscellaneous expenses (other than salaries): For all authorized and necessary expenditures, other than salaries, of the National Labor Relations Board in performing duties imposed by law or in pursuance of law, including rent in the District of Columbia and elsewhere; repairs and alterations; communication services; contract stenographic reporting services; lawbooks; books of reference; newspapers; periodicals; and operation, maintenance, and repair of one automobile, \$621,000: *Provided*, That the Board may procure supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved does not exceed \$100.

Printing and binding: For all printing and binding for the National Labor Relations Board in Washington and elsewhere, \$125,000.

All expenditures under this title shall be made in strict compliance with the provisions of the Act of July 11, 1919 (18 U. S. C. 201).

This title may be cited as the "National Labor Relations Board Appropriation Act, 1941".

National Labor Relations Board Appropriation Act, 1941.

Salaries.
Post, p. 1037.

Miscellaneous expenses.

Proviso.
Minor purchases.

Printing and binding.
Post, p. 1037.

41 Stat. 68.

Citation of title.

TITLE V—NATIONAL MEDIATION BOARD

Salaries and expenses: For three members of the Board, and for other authorized expenditures of the National Mediation Board in performing the duties imposed by law, including contract stenographic reporting services; supplies and equipment; not to exceed \$200 for newspapers, books of reference, and periodicals, \$148,700, of which amount not to exceed \$115,000 may be expended for personal services in the District of Columbia.

Arbitration boards: To enable the National Mediation Board to pay necessary expenses of arbitration boards, including compensation

National Mediation Board Appropriation Act, 1941.

Salaries and expenses.

Arbitration boards.

44 Stat. 577.
45 U. S. C. §§ 151-
164; Supp. V, §§ 181-
188.

Emergency boards.

44 Stat. 596.
45 U. S. C. § 160.

Printing and bind-
ing.

of members and employees of such boards, together with their necessary traveling expenses and expenses actually incurred for subsistence while so employed, and printing of awards, together with proceedings and testimony relating thereto, as authorized by the Railway Labor Act, including also contract stenographic reporting service, and rent of quarters when suitable quarters cannot be supplied in any Federal building, the unexpended balance of previous appropriations for this purpose shall be available.

Emergency boards: For expenses of emergency boards appointed by the President to investigate and report respecting disputes between carriers and their employees, as authorized by section 10, Railway Labor Act, approved May 20, 1926 (45 U. S. C. 160), the unexpended balance of previous appropriations for this purpose shall be available.

For all printing and binding for the National Mediation Board, \$2,300.

NATIONAL RAILROAD ADJUSTMENT BOARD

Expenses.

For authorized expenditures of the National Railroad Adjustment Board, in performing the duties imposed by law, including contract stenographic reporting services and supplies and equipment, \$188,900, of which \$35,000 shall be available only for services of referees at a rate of compensation not in excess of \$50 per day and not more than \$108,500 may be expended for other personal services.

Printing and bind-
ing.

For all printing and binding for the National Railroad Adjustment Board, \$28,000.

Citation of title.

This title may be cited as the "National Mediation Board Appropriation Act, 1941".

Railroad Retirement
Board Approp-
riation Act, 1941.
Salaries.

TITLE VI—RAILROAD RETIREMENT BOARD

Salaries: For three members of the Railroad Retirement Board and other personnel services of the Board in the District of Columbia and elsewhere necessary in performing the duties imposed by law or in pursuance of law, \$1,930,000.

Miscellaneous ex-
penses.

Miscellaneous expenses (other than salaries): For all authorized and necessary expenditures, other than salaries, of the Railroad Retirement Board in performing the duties imposed by law or in pursuance of law, including rent in the District of Columbia and elsewhere; traveling expenses, including not to exceed \$1,000 for expenses of attendance at meetings concerned with the work of the Board when specifically authorized by the Board; not to exceed \$2,500 for payment of actual transportation expenses, and per diem (not to exceed \$10) in lieu of subsistence and other expenses, of persons serving while away from their homes without other compensation in an advisory capacity to the Railroad Retirement Board; repairs and alterations; contract stenographic reporting services; office appliances and labor-saving devices; supplies and equipment (including photographic equipment); not to exceed \$5,000 for law-books, books of reference, newspapers, press clippings, periodicals, and for payment in advance when authorized by the Board for library membership in organizations which issue publications to members only or to members at a price lower than to the general public; operation, maintenance, and repair of motor-propelled passenger-carrying vehicles to be used only for official purposes in the District of Columbia and elsewhere; and expenses incident to moving the office of the Board from one building to another; \$558,000: *Provided*, That the Board may procure supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount does not exceed \$50.

Proviso.
Minor purchases.

Railroad retirement account: For an amount sufficient as an annual premium for the payments required under the Railroad Retirement Act, approved August 29, 1935, and the Railroad Retirement Act, approved June 24, 1937, and authorized to be appropriated to the railroad retirement account established under section 15 (a) of the latter Act, \$122,600,000: *Provided*, That such amount shall be available until expended for making payments required under said retirement Acts, and the amount not required for current payments shall be invested by the Secretary of the Treasury in accordance with the provisions of said Railroad Retirement Act of June 24, 1937.

For printing and binding for the Railroad Retirement Board, \$48,000.

This title may be cited as the "Railroad Retirement Board Appropriation Act, 1941".

Railroad retirement account.
Post, p. 1090.
49 Stat. 967; 50 Stat. 316.
45 U. S. C., Supp. V, §§ 215-228r.

Proviso.
Availability.

Printing and binding.

Citation of title.

TITLE VII—GENERAL PROVISIONS

SEC. 701. In expending appropriations or portions of appropriations, contained in this Act, for the payment of personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the Assistant Secretary and the Second Assistant Secretary of Labor, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, or (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Salary restriction.

42 Stat. 1483.
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Proviso.
Restriction not applicable in designated cases.

5 U. S. C. § 666.

SEC. 702. None of the funds appropriated in this Act shall be used to pay the salary of any person appointed to a non-civil-service position, under the appropriations in the respective titles in this Act, if the effect of such appointment is to increase the number of non-civil-service employees from the State of residence of any such non-civil-service appointee beyond the number of non-civil-service employees to which such State is entitled, under the appropriations in the respective titles of this Act, on a basis of population: *Provided*, That this section shall not apply to any position, the appointment of which is made by the President: *Provided further*, That this section shall not apply to positions in the Civilian Conservation Corps outside the District of Columbia.

Non-civil-service positions.
Restriction on use of funds.

Provisos.
Presidential appointments.
Civilian Conservation Corps.
Post, p. 1033.

SEC. 703. No part of any appropriation in this Act shall be used to pay the salary of any person who received as many as three steps of administrative within-grade promotion in all positions occupied

Administrative promotions, restriction on use of funds.

by such person during the fiscal year 1939, at a rate of pay in excess of the salary resulting from the first two steps of such promotion; but this section shall not preclude the payment of the minimum salary of the grade to any person transferred, under standard regulations, to such grade.

Nominees not approved by Senate.

SEC. 704. No part of any appropriation contained in this Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve of the nomination of said person.

Citizenship requirement.

SEC. 705. No part of any appropriation contained in this Act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States, or of any agency the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States unless such officer or employee is a citizen of the United States or a person in the service of the United States on the date of the approval of this Act who being eligible for citizenship has filed a declaration of intention to become a citizen or who owes allegiance to the United States: *Provided*, That this section shall not apply to the employment of interpreters in the Immigration and Naturalization Service (not to exceed ten permanent employees and such temporary employees as are required from time to time) where competent citizen interpreters are not available.

Proviso.
Interpreters in Immigration and Naturalization Service.

Limitation on funds for administrative promotions.

SEC. 706. The total amount used on an annual basis for administrative within-grade promotions for officers and employees under any appropriation or other fund made available in this Act shall not exceed the amount determined by the Bureau of the Budget to be available for such purpose on the basis of the Budget estimate for such appropriation or fund exclusive of new money in any such Budget estimate for such administrative promotions.

Short title.

SEC. 707. This Act may be cited as the "Labor-Federal Security Appropriation Act, 1941".

Approved, June 26, 1940.

[CHAPTER 429]

AN ACT

June 26, 1940
[H. R. 9296]
[Public, No. 666]

To authorize the attendance of the Marine Band at the convention of the Grand Army of the Republic to be held at Springfield, Illinois, September 8 to 13, inclusive, 1940.

Marine Band.
Attendance at
G. A. R. convention.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to permit the band of the United States Marine Corps to attend and give concerts at the convention of the Grand Army of the Republic to be held at Springfield, Illinois, from September 8 to 13, inclusive, 1940.

Appropriation authorized.
Post, p. 648.

SEC. 2. For the purpose of defraying the expenses of such band in attending and giving concerts at such convention, there is authorized to be appropriated the sum of \$7,655.25, or so much thereof as may be necessary, to carry out the provisions of this Act: *Provided*, That in addition to transportation and Pullman accommodations the leaders and members of the Marine Band be allowed not to exceed \$5 per day each for additional living expenses while on duty, and that the payment of such expenses shall be in addition to the pay and allowances to which they would be entitled while serving at their permanent station.

Proviso.
Expenses.

Approved, June 26, 1940.

[CHAPTER 430]

AN ACT

Making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

June 26, 1940
[H. R. 10055]
[Public, No. 667]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the national defense for the fiscal year ending June 30, 1941, namely:

First Supplemental National Defense Appropriation Act, 1941.

TITLE I—CIVIL NATIONAL DEFENSE ACTIVITIES

Civil Activities National Defense Appropriation Act, 1941.

INDEPENDENT AGENCIES

CIVIL AERONAUTICS AUTHORITY

Civilian pilot training: For an additional amount, fiscal year 1941, for civilian pilot training, including the objects specified under this head in the Independent Offices Appropriation Act, 1941, \$32,000,000, to be immediately available; and the limitation on the amount available for the purchase and exchange of automobiles being hereby increased from \$5,000 to \$25,000 and the limitation on the amount available for transfer to the appropriation "Safety Regulation, Civil Aeronautics Authority", being hereby increased from \$117,800 to \$700,000.

Civilian pilot training.

Ante, p. 115.

Ante, pp. 115, 116.

COUNCIL OF NATIONAL DEFENSE

For expenses of experimental work, investigations, and coordination undertaken through the Council of National Defense, by the Advisory Commission or subordinate bodies, including employment of experts, special advisers, and other personal services in the District of Columbia and elsewhere, actual and necessary transportation, subsistence, and other expenses of members of the Council, of the Advisory Commission, or subordinate bodies going to and attending meetings of the Commission or subordinate bodies, lawbooks, books of reference, and periodicals, and rent in the District of Columbia, \$1,000,000, to be immediately available and to be expended in accordance with the provisions of section 2 of the Act of August 29, 1916 (39 Stat. 649): *Provided*, That until such time as the President shall declare the present emergency at an end the head of any department or independent establishment of the Government, notwithstanding the provisions of existing law, may employ, with the approval of the President, any person of outstanding experience and ability at a compensation of \$1 per annum.

Council of National Defense.
Post, p. 1032.
General expenses.

50 U. S. C. §§ 1-5.

Proviso.
Employment of persons at \$1 per annum.

FEDERAL WORKS AGENCY

PUBLIC BUILDINGS ADMINISTRATION

Navy Department and Munitions Buildings, Washington, District of Columbia: For the construction of an additional story on each of six wings of the Navy Department Building and on each of seven wings of the Munitions Building, under the provisions of the Public Buildings Act approved May 25, 1926, as amended, including administrative expenses in connection therewith, \$1,605,000.

Additions to Navy Department and Munitions Buildings.
Post, p. 1036.

44 Stat. 630.
40 U. S. C. §§ 341-347; Supp. V. §§ 341-346.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Airplane engine research laboratory: For construction and equipment, on a site to be selected by the Advisory Committee for Aero-

Airplane engine research laboratory.

Contracts author-
ized.

Langley Field, Va.
Generating power
plant.

nautics, of an airplane engine research laboratory, including acquisition of land, rights-of-way, and connections to public utilities, installation of power lines, expenses in the District of Columbia and elsewhere for the preparation of plans and specifications, fiscal year 1941, \$2,000,000, to be immediately available and to remain available until expended; and the National Advisory Committee for Aeronautics is authorized to enter into a contract or contracts for the construction and equipment of such buildings and facilities, including the purchase of land and rights-of-way, at a total cost of not to exceed \$8,400,000.

For construction and equipment at Langley Field, Virginia, of a generating power plant, including installation of power and fuel pipe lines, and expenses in the District of Columbia and elsewhere for the preparation of plans and specifications, fiscal year 1941, \$1,200,000, to be immediately available.

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Detection and prose-
cution of crimes.

Ante, p. 201.
Post, p. 644.

Salaries and expenses, detection and prosecution of crimes (emergency): For an additional amount for salaries and expenses, during the limited national emergency, in the detection and prosecution of crimes against the United States, and so forth, fiscal year 1941, including the objects and for the purposes specified under this head in the Department of Justice Appropriation Act, 1941, \$3,358,800, to be available immediately, of which amount not to exceed \$382,000 may be expended for personal services in the District of Columbia and \$150,000 for the purchase and exchange of motor-propelled passenger-carrying vehicles.

TREASURY DEPARTMENT

COAST GUARD

Salaries, Office of
Commandant.
Ante, p. 63.

Pay and allowances.

Ante, p. 64.
Post, p. 1045.

General expenses.

Ante, p. 64.

Salaries, Office of Commandant, Coast Guard: For an additional amount for personal services in the District of Columbia, fiscal year 1941, \$50,000.

Pay and allowances, Coast Guard: For an additional amount for pay and allowances, fiscal year 1941, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$2,356,000, to be immediately available; and the limitation of \$32,000 under this head in such appropriation Act on the amount which may be expended for recreation, education, and so forth, of enlisted men is hereby increased to \$39,375.

General expenses, Coast Guard: For an additional amount for general expenses, fiscal year 1941, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$8,361,040, to be immediately available.

PROCUREMENT DIVISION

Strategic and criti-
cal materials.

53 Stat. 811.
50 U. S. C., Supp.
V, §§ 98-98f.
Ante, p. 70.
Proviso.
Purchases.

Strategic and critical materials: For an additional amount for all necessary expenses for the acquisition of strategic and critical materials in accordance with the Act of June 7, 1939, fiscal year 1941, including the objects and limitations specified under this head in the Treasury Department Appropriation Act, 1941, \$47,500,000, to be immediately available: *Provided*, That any purchase from this appropriation and the appropriation for this purpose in the Treasury

Department Appropriation Act, 1941, may be made, with the approval of the Secretary of the Treasury, without reference to section 3709 of the Revised Statutes (41 U. S. C. 5).

WAR DEPARTMENT—CIVIL FUNCTIONS

QUARTERMASTER CORPS

Cemeterial expenses: For an additional amount for cemeterial expenses, fiscal year 1941, to be immediately available, and to be supplemental and in addition to the appropriation contained under this head in the War Department Civil Appropriation Act, 1941, including the objects and subject to the limitations and conditions specified therein, \$71,090.

SEC. 101. This title may be cited as the "Civil Activities National Defense Appropriation Act, 1941".

Cemeterial ex-
penses.

Ante, p. 505; *post*, p.
971.

Citation of title.

TITLE II—WAR DEPARTMENT—MILITARY ACTIVITIES

For additional amounts for appropriations for the Military Establishment, fiscal year 1941, to be immediately available and to be supplemental and in addition to the appropriations under the same heads in the Military Appropriation Act, 1941, including the objects and subject to the limitations and conditions specified therein, except as otherwise provided herein, as follows:

Title II, Military
Appropriation Act,
1941.

Ante, pp. 350, 352.
Additional appro-
priations.

Ante, p. 350.

GENERAL STAFF CORPS

Special field exercises, \$5,700,000.

Ante, p. 353.

ADJUTANT GENERAL'S DEPARTMENT

Welfare of enlisted men, \$128,250.

Ante, p. 354.

FINANCE DEPARTMENT

Pay of the Army, irrespective of any limitations as to the enlisted strength of the Regular Army and as to the number of retired officers who may be called to active duty, \$53,224,276: *Provided*, That the number of enlisted men of the Regular Army as fixed by section 2 of the National Defense Act, approved June 4, 1920, shall not be increased under the appropriations and authority in this Act by more than ninety-five thousand.

Ante, p. 354.

Pay of the Army.

Proviso.
Enlisted strength of
Regular Army, limita-
tion.
41 Stat. 759.
10 U. S. C. § 602.

Travel of the Army, \$3,149,432.

Expenses of courts martial, \$16,000.

Apprehension of deserters, and so forth, \$5,000.

Finance Service, Army, \$420,240.

QUARTERMASTER CORPS

Subsistence of the Army, \$18,869,520.

Regular supplies of the Army, \$3,878,576.

Clothing and equipage, \$27,599,715.

Incidental expenses of the Army, \$3,648,500.

Army transportation, \$25,997,167, without limitation as to the amount of this appropriation which may be expended for purchase or exchange of passenger-carrying vehicles; or purchase or construction, alteration, operation, and repair of boats.

Horses, draft and pack animals, \$247,180.

Ante, p. 357.

Military posts: For construction and installation of buildings, flying fields, and appurtenances thereto, \$74,321,546.

40 Stat. 241.
49 Stat. 610.
10 U. S. C., Supp. V,
§§ 1343a-1343d.

Acquisition of land: For the acquisition of land as authorized by the Act of July 2, 1917, as amended (50 U. S. C. 171), and by the Act of August 12, 1935 (10 U. S. C. 1343a), including land for radio facilities for military purposes, \$654,000.

Barracks and quarters, \$7,101,168.

Construction and repair of hospitals, \$382,620.

Ante, p. 363.

SIGNAL CORPS

Signal Service of the Army, \$20,749,023; and, in addition, the Chief Signal Officer, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$1,831,644, for the procurement of Signal Corps equipment.

Ante, p. 364.

AIR CORPS

Air Corps, Army, \$293,330,282; and, in addition, the Chief of the Air Corps, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$109,259,597, for the procurement of new airplanes, equipment, spare parts, and accessories.

Ante, p. 366.

MEDICAL DEPARTMENT

Medical and Hospital Department, Army, \$7,599,609.

Ante, p. 367.

CORPS OF ENGINEERS

Engineer Service, Army, \$3,931,500; and, in addition, the Chief of Engineers, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$3,000,000, for the procurement of Engineer equipment.

Ante, p. 367.

ORDNANCE DEPARTMENT

Ordnance service and supplies, Army, \$103,829,565; and, in addition, the Chief of Ordnance, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$90,085,520, for the procurement or production of ordnance matériel, machinery, and supplies.

Ante, p. 368.

CHEMICAL WARFARE SERVICE

Chemical Warfare Service, Army, \$948,384.

Ante, p. 369.

SEACOAST DEFENSES

Seacoast defenses, \$3,040,000, of which sum \$1,354,750 shall remain available until expended.

Ante, p. 373.

ORGANIZED RESERVES

Organized Reserves, \$11,063,626.

Post, pp. 874, 970.

EXPEDITING PRODUCTION

Equipment, etc., for
Army for emergency
national defense.

To enable the Secretary of War, upon the recommendation of the Council of National Defense and the Advisory Commission thereof, and with the approval of the President, and without reference to

section 3709, Revised Statutes, to expedite the production of equipment and supplies for the Army for emergency national defense purposes, including all of the objects and purposes specified under each of the appropriations available to the War Department during the fiscal year 1941, for procurement or production of equipment or supplies, for erection of structures, or for acquisition of land; the furnishing of Government-owned facilities at privately owned plants; the procurement and training of civilian personnel in connection with the production of equipment and material and the use and operation thereof; and for any other purposes which in the discretion of the Secretary of War are desirable in expediting production for military purposes and are recommended by the Council of National Defense and the Advisory Commission thereof, and approved by the President, \$150,000,000, to be immediately available, of which \$2,000,000 may be made available to the Bureau of Mines, Department of the Interior, for the erection, equipment, and operation of a pilot plant or plants for the beneficiation of manganese ores and the production of metallic manganese therefrom by the electrolytic or other process, including personal services and other expenses in the District of Columbia and elsewhere for the preparation of plans and specifications, advertising, and supervision of construction; and for all expenditures requisite for and incident to the exploration of manganiferous deposits in accordance with Public Act Numbered 117, approved June 7, 1939; and, in addition, the Secretary of War, upon the recommendation of the Council of National Defense and the Advisory Commission thereof, and with the approval of the President, is authorized to enter into contracts prior to July 1, 1941, for the same purposes to an amount not exceeding \$50,000,000: *Provided*, That an account shall be kept of all expenditures made or authorized hereunder and a report thereon shall be submitted to Congress on or before July 1, 1941.

41 U. S. C. § 5.

Erection, etc., of
manganese plants.53 Stat. 811.
50 U. S. C., Supp.
V, §§ 98-98f.
Contracts author-
ized.*Proviso.*
Accounting; report
to Congress.

SALARIES, WAR DEPARTMENT

Ante, p. 350.

Office of Secretary of War, \$23,120.
Office of Chief of Staff, \$14,400.
Adjutant General's Office, \$280,520.
Office of the Judge Advocate General, \$13,920.
Office of the Chief of Finance, \$155,040.
Office of the Quartermaster General, \$82,740.
Office of the Chief Signal Officer, \$52,340.
Office of the Chief of the Air Corps, \$126,000.
Office of the Surgeon General, \$91,620.
In all, salaries, War Department, \$839,700.

OFFICE OF THE SECRETARY

Ante, p. 352.

Contingent Expenses, War Department, \$98,300.
Printing and Binding, War Department, \$228,868.

SEC. 201. From the appropriations for "Regular Supplies of the Army", "Clothing and Equipage", "Army Transportation", "Signal Service of the Army", "Air Corps, Army", "Medical and Hospital Department", "Engineer Service, Army", "Ordnance Service and Supplies", "Chemical Warfare Service", and "Seacoast Defenses", for the fiscal year 1941, not to exceed a total of \$2,658,967 may be applied to the employment of persons and the procurement of supplies and services and printing and binding at the seat of Government, and to pay of employees of the Finance Department in the field, under the following heads and within the respective limitations specified, as follows:

Use of funds from
designated appropri-
ations.
Ante, pp. 358, 359,
363, 364, 366, 367, 368,
369.

Ante, p. 350.

SALARIES, WAR DEPARTMENT

For temporary personal services:

Office of the Secretary of War, \$617,110;
 Office of Chief of Staff, \$96,980;
 Adjutant General's Office, \$158,700;
 Office of the Judge Advocate General, \$13,920;
 Office of the Chief of Finance, \$60,120;
 Office of the Quartermaster General, \$78,960;
 Office of the Chief Signal Officer, \$67,490;
 Office of the Chief of Air Corps, \$40,760;
 Office of Chief of Engineers, \$130,260;
 Office of Chief of Ordnance, \$719,740;
 Office of Chief of Chemical Warfare Service, \$46,380;
 Office of Chief of Infantry, \$2,880;
 Office of Chief of Cavalry, \$2,880;
 Office of Chief of Field Artillery, \$4,320;
 Office of Chief of Coast Artillery, \$5,760;
 Office of Chief of Chaplains, \$1,440;
 National Guard Bureau, War Department, \$10,000;
 In all, salaries, War Department, \$2,057,700.

Ante, p. 352.

OFFICE OF THE SECRETARY

Contingent expenses, War Department, \$216,772.
 Printing and binding, War Department, \$177,995.

Ante, pp. 352, 357.

MILITARY ACTIVITIES

Finance Service, \$206,500.

Citation of title.

SEC. 202. This title may be cited as "Title II, Military Appropriation Act, 1941".

Title III of the
 Naval Appropriation
 Act for the Fiscal Year
 1941.
 Additional appro-
 priations.

TITLE III—NAVY DEPARTMENT

Ante, p. 265.

For additional amounts for appropriations for the Navy Department and the Naval Service, fiscal year 1941, to be immediately available and to be supplemental and in addition to the appropriations in the Naval Appropriation Act for the fiscal year ending June 30, 1941, including the objects and subject to the limitations and conditions specified therein, except as otherwise provided herein, as follows:

NAVAL ESTABLISHMENT

Ante, p. 265.

OFFICE OF THE SECRETARY

Miscellaneous expenses, \$100,000, for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

Ante, p. 267.

BUREAU OF NAVIGATION

Fleet training, \$50,000.

Instruments and supplies, \$689,000.

Naval Reserve.

Naval Reserve, including additional training for Naval Reserves, without regard to limitations, specified under this head in the Naval Appropriation Act for the fiscal year 1941, and for training exercises of the Naval Reserve during the fiscal year 1941 and for each and every object connected therewith at the discretion of the Secretary of the Navy, including rental of civilian craft and hire of personal and other services, \$7,500,000: *Provided*, That the first two provisos of the paragraph under the heading "Naval Reserve" contained in title I

Proviso.
 Provisions repealed.
Ante, p. 270.

of the Act making appropriations for the Navy Department and the Naval Service, fiscal year 1941, are hereby repealed.

BUREAU OF ENGINEERING

Ante, p. 272.

Engineering, including the necessary tools, equipment, and facilities in naval establishments or private plants for expediting construction and delivery of engineering material, \$25,200,000, of which not to exceed 7 per centum shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

BUREAU OF CONSTRUCTION AND REPAIR

Ante, p. 272.

Construction and repair, including the necessary tools, equipment, and facilities in naval establishments or private plants for expediting the construction and delivery of hull and other material, \$21,400,000, of which not to exceed 7 per centum shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

BUREAU OF ORDNANCE

Ante, p. 273.

Ordnance and ordnance stores, Navy, including increased facilities at Indianhead, Maryland, for the manufacture and storage of powder, additional equipment, tools, and facilities at ordnance stations or private plants for production, handling, and storage of ordnance material and ammunition, acquisition or construction of one ferry boat for the Naval Torpedo Station, Newport, Rhode Island, and not to exceed \$25,000 for the acquisition of land, \$72,528,370; and in addition, the Secretary of the Navy may, prior to July 1, 1941, enter into contracts for ordnance and ordnance materials, including ammunition, to an amount not in excess of \$28,560,000: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed 7 per centum.

Ferry boat for Naval
Torpedo Station,
Newport, R. I.

Contracts author-
ized.

Proviso.
Group IV (b), etc.,
employees.

BUREAU OF SUPPLIES AND ACCOUNTS

Ante, p. 274.

Maintenance, Bureau of Supplies and Accounts, \$3,831,600, of which not to exceed \$1,000,000 shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

Clothing and small stores fund, \$6,000,000.

Naval supply account fund, \$6,000,000; and the capital of the naval supply account fund is hereby further increased by \$9,265,160 by transfer, hereby authorized and directed to be made, of unobligated balances aggregating such sum of naval appropriations for the fiscal year 1939 and prior fiscal years remaining to the credit of such appropriations on the date of the approval of this Act.

Fuel and transportation, \$5,000,000.

Reserve material, Navy, for the same objects specified under this head in the Naval Appropriation Act for the fiscal year 1940, and including storage facilities, \$10,000,000, to remain available until expended.

Post, p. 972.

53 Stat. 770.

Ante, p. 278.

BUREAU OF MEDICINE AND SURGERY

Medical Department, \$2,000,000, of which not to exceed 5 per centum shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

Ante, p. 279.

BUREAU OF YARDS AND DOCKS

Maintenance, Bureau of Yards and Docks: Funds appropriated under the heading of "Maintenance, Bureau of Yards and Docks", for the fiscal year 1941 shall be available for the purchase of additional motor-propelled passenger-carrying vehicles as follows: One to cost not to exceed \$1,600 and twenty-five to cost not to exceed \$600 each.

Ante, p. 280.

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS

Public works, etc.

Toward the following public works and public utilities projects, including the purchase of necessary land, at a cost not to exceed the amount stated for each project, respectively, \$102,200,000, which amount, together with unexpended balances of appropriations herein and heretofore made under this head, shall be disbursed and accounted for in accordance with existing law and shall constitute one fund:

Boston, Mass.

Navy Yard, Boston, Massachusetts: Additional improvement of power plant and distributing systems, \$385,000; extension of steel storage, \$50,000; heavy materials storage buildings and accessories, \$90,000; additional toilets and washrooms for building ways, \$30,000; additional weight-handling equipment, \$95,000; fitting-out crane, \$50,000;

Charleston, S. C.

Navy Yard, Charleston, South Carolina: Extension of pipe shop, \$175,000;

Mare Island, Calif.

Navy Yard, Mare Island, California: Weight-handling and transportation equipment, \$65,000; extension of subassembly facilities, building numbered 382, \$200,000; additional improvements and extension of administration building, \$250,000; electric shop, \$400,000; submarine storage and service building, \$80,000; extension of quay wall, \$850,000;

New York, N. Y.

Navy Yard, New York, New York: Extension of storehouse and accessories, \$2,000,000; additional improvement of cranes, \$65,000; subassembly shop and facilities, \$820,000; additional improvements of shop buildings, \$800,000; additional facilities for fabrication of armored decks, \$125,000; additional improvement of power plant, \$250,000; extension and improvement of steel storage runways, \$200,000;

Norfolk, Va.

Navy Yard, Norfolk, Virginia: Additional extension of machine-shop building, \$300,000; additions and repairs to shop cranes, \$25,000; additional weight-handling and transportation equipment, \$100,000; improvements to power distribution and lighting in shops, \$35,000; mold loft over building numbered 51, \$15,000; shipbuilding dock and accessories building and services, \$8,500,000; improvement of water supply, \$150,000;

Philadelphia, Pa.

Navy Yard, Philadelphia, Pennsylvania: Additional improvements of power plant and distributing systems, \$450,000; additional extension to yard dispensary, \$50,000; extension of additional pier, \$150,000; additional weight-handling and transportation equipment, \$115,000; improvement of shipbuilding ways numbered 1, \$125,000; addition to shipfitters' shop, \$300,000; electric shop, \$255,000; shipbuilding dock, \$10,000,000;

Navy Yard, Portsmouth, New Hampshire: Additional extension of industrial office building, \$90,000; conversion of building numbered 81 to mock up and ship construction office, \$28,000; conversion of buildings numbered 89 and 115 to storage for submarine engines and new ship material, \$50,000; overhaul shop cranes, \$36,000; extension of field office building, \$55,000; new shipway, \$295,000;

Portsmouth, N. H.

Navy Yard, Puget Sound, Washington: Equipment storage buildings, \$30,000; structural assembly and welding shop building and accessories, \$500,000; transportation building, \$150,000;

Puget Sound, Wash.

Naval Proving Ground, Dahlgren, Virginia: Hangar, \$140,000; extend runways, \$60,000;

Dahlgren, Va.

Navy Yard, Washington, District of Columbia: Additional improvement of pneumatic system, \$50,000; additional improvement of steam distribution system, \$50,000; additional extension of buffing shop, \$50,000; extension of general utility shop, \$50,000; extend oil house, \$50,000;

Washington, D. C.

Navy Yard, Washington (Bellevue), District of Columbia: Extension of storage buildings and accessories, \$50,000;

Washington, D. C.

Naval Torpedo Station, Newport, Rhode Island: Addition to explosive manufacturing building and accessories, \$50,000; extension of storehouse and accessories, \$335,000;

Newport, R. I.

Naval Ammunition Depot, Iona Island, New York: Improvement of power plant, \$210,000; replace filling house numbered 307, \$30,000; replace tank repair house numbered 405, \$32,000;

Iona Island, N. Y.

Naval Ammunition Depot, Fort Mifflin, Pennsylvania: Replace projectile loading plant, \$45,000;

Fort Mifflin, Pa.

Naval Torpedo Station, Keyport, Washington: Building for overhaul and storage of exploders, \$45,000; igniter building and accessories, \$45,000; extension of overhaul shop, \$85,000;

Keyport, Wash.

Naval Ammunition Depot, Hingham, Massachusetts: New boiler, \$20,000;

Hingham, Mass.

Miscellaneous ship-building facilities, \$669,000;

Miscellaneous.

Naval Air Station, Norfolk, Virginia: Additional aviation shore facilities, including buildings and accessories and acquisition of land, \$12,000,000;

Norfolk, Va.

Naval Air Station, San Juan, Puerto Rico: Additional aviation shore facilities, including buildings and accessories and acquisition of land, \$2,300,000;

San Juan, P. R.

Naval Air Station, Coco Solo, Canal Zone: Additional aviation shore facilities, including buildings and accessories, \$8,000,000;

Coco Solo, C. Z.

Naval Air Station, Seattle, Washington: Additional aviation shore facilities, including buildings and accessories and acquisition of land, \$4,000,000;

Seattle, Wash.

Naval Air Station, Kodiak, Alaska: Additional aviation shore facilities, including buildings and accessories and acquisition of land, \$2,000,000;

Kodiak, Alaska.

Aviation activities, Hawaiian Islands: Additional aviation shore facilities, including buildings and accessories and acquisition of land, \$6,500,000;

Hawaiian Islands.

Naval Air Station, Midway Island: Additional aviation shore facilities, including buildings and accessories, \$1,900,000;

Midway Island.

Naval Air Station, Wake Island: Aviation shore facilities, including buildings and accessories and defense facilities, \$7,600,000;

Wake Island.

Naval Air Station, Johnston Island: Additional aviation shore facilities, including buildings and accessories, \$500,000;

Johnston Island.

Naval Air Station, Quonset Point, Rhode Island: Additional aviation shore facilities, including buildings and accessories and acquisition of land, \$24,204,000;

Quonset Point, R. I.

Marine Corps Flying Field, Quantico, Virginia: Additional aviation shore facilities, including buildings and accessories, \$1,000,000;

Quantico, Va.

Guantanamo, Cuba.	Naval Air Station, Guantanamo, Cuba: Additional aviation shore facilities, including buildings and accessories, \$2,900,000;
Charlotte Amalie, V. I.	Marine aviation facilities, Charlotte Amalie, Virgin Islands: Additional aviation shore facilities, including buildings and accessories, \$1,500,000;
San Diego, Calif.	Naval Air Station, San Diego, California: Additional aviation shore facilities, including buildings and accessories and acquisition of land, \$5,600,000;
Alameda, Calif.	Naval Air Station, Alameda, California: Additional aviation shore facilities, including buildings and accessories and acquisition of land, \$6,900,000;
Unalaska, Alaska.	Naval Air Station, Unalaska, Alaska: Aviation shore facilities, including buildings and accessories and acquisition of land, \$2,900,000;
Tongue Point, Oreg.	Naval Air Station, Tongue Point, Oregon: Additional aviation shore facilities, including buildings, accessories, and acquisition of land, \$2,000,000;
Naval Reserve bases.	Naval Reserve bases: Aviation shore facilities, including acquisition of existing facilities and land, \$10,000,000;
Auxiliary aviation bases.	Auxiliary aviation bases: Development of additional auxiliary aviation bases, including acquisition of land, \$10,000,000;
Naval training stations.	Naval training stations: Additional housing for four thousand men, \$3,000,000;
San Pedro area, Calif.	Fleet Operating Base, San Pedro area, California: Development of fleet operating facilities, including docking, buildings and accessories, and breakwater and dredging, including acquisition of land, \$19,750,000;
Fuel-storage facilities.	Fuel-storage facilities: Fuel oil, Diesel oil, and gasoline storage at various locations, including acquisition of land, \$10,500,000;
Key West, Fla.	Naval Station, Key West, Florida: Development of water supply, including pipe line and acquisition of land, \$2,000,000: <i>Provided</i> , That said pipe line may be built in cooperation with an agency of the State of Florida;
Naval Radio Stations, Mare Island and Pearl Harbor.	Naval Radio Stations, Mare Island and Pearl Harbor: Radio facilities, including buildings and accessories and acquisition of land, \$2,000,000;
Aviation-storage facilities.	Aviation-storage facilities: Aviation storehouses and accessories at various locations, including acquisition of land, \$6,000,000;
Housing and recreation facilities.	Housing and recreation facilities: Development of housing and recreation facilities at various locations, including acquisition of land, \$6,000,000;
Annapolis, Md.	Naval Academy, Annapolis, Maryland: Additional buildings and accessories, \$2,000,000;
Ammunition-storage facilities.	Ammunition-storage facilities: Additional ammunition storage facilities at various locations, including acquisition of land, \$5,000,000;
Bellevue, D. C.	Naval Research Laboratory, Bellevue, District of Columbia: Barracks building and accessories, \$250,000;
New London, Conn.	Submarine Base, New London, Connecticut: Additional facilities, including buildings and marine railway, \$1,000,000;
Floating drydock, type D.	Floating drydock, type D, including accessories, \$1,750,000;
Balboa, C. Z.	Fifteenth Naval District, Balboa, Canal Zone: Administration building and storage facilities, \$750,000.
Contracts on a cost-plus-a-fixed-fee basis.	The provisions of section 4 of the Act approved April 25, 1939 (53 Stat. 590-592), shall be applicable to all public works and public utilities projects provided in this title, regardless of location: <i>Provided</i> , That the fixed fee to be paid the contractor as a result of any contract hereafter entered into under the authority of the above-mentioned Act shall not exceed 6 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of the Navy.
Provisos.	
Fixed-fee limitation.	

To enable the Secretary of the Navy to expedite the construction or provision of the public works and public utilities projects mentioned in this Act and in the Naval Appropriation Act for the fiscal year 1941, the limit of cost indicated for each of such projects may, in the discretion of the Secretary of the Navy, be varied upward or downward by an amount not to exceed 10 per centum, but the aggregate of all such limits of cost shall not be exceeded.

Limitation on variation of limit of cost.

Ante, p. 265.

No part of the appropriation under this heading nor any other amount in this title for temporary housing shall be available for erecting, including utilities, upon any site however acquired subsequent to the calendar year 1938, married officers' quarters at a unit cost of more than \$8,500, nor bachelor officers' quarters at a unit cost of more than \$1,750, nor student flyers' quarters at a unit cost of more than \$550; nor barracks for enlisted men at a unit cost of more than \$350: *Provided further*, That no part of the appropriation under this heading, nor of any other amount in this title for temporary housing, shall be available for erecting buildings upon any site acquired subsequent to the calendar year 1938, except of a distinctly temporary character, unless structures (such as hospitals, hangars, and storage facilities for inflammable or explosive materials) of a more substantial type are essential to the purpose.

Construction of officers', etc., quarters, limitation.

Restriction on use of funds.

BUREAU OF AERONAUTICS

Ante, p. 282.

Aviation, Navy: For maintenance, repair, and operation of aircraft factory, air stations, and so forth, \$1,170,400; and for new construction and procurement of aircraft and equipment, spare parts and accessories, \$21,714,600; in all, \$22,885,000: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$120,000.

MARINE CORPS

Ante, p. 283.

General expenses, Marine Corps, \$2,000,000.

ALTERATIONS TO NAVAL VESSELS

Ante, p. 286.

Alterations to naval vessels, including the provision of antiaircraft defense and the construction or acquisition and conversion of vessels for naval auxiliaries of all kinds, \$24,360,000, to remain available until expended: *Provided*, That the sum to be paid out of this appropriation for the employment of classified personal services in the Navy Department and in the field service to be engaged upon such work shall not exceed 7 per centum.

REPLACEMENT OF NAVAL VESSELS

Ante, p. 286.

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized (and appropriated for in part) and for additional small craft and auxiliaries, including boom tenders, including the necessary machine tools and other equipment in naval establishments and Government equipment in private plants required for prosecuting shipbuilding, and for the commencement of six cruisers, twenty-two destroyers, and eight submarines, authorized by the Act approved March 27, 1934 (48 Stat. 501); and for the commencement of two cruisers and eight destroyers authorized by the Act of May 17, 1938 (52 Stat. 401-403); and for the commencement of three aircraft carriers, five cruisers, and fourteen submarines, authorized by H. R. 8026 (Public, Numbered 629,

Construction and machinery.

48 Stat. 503.
34 U. S. C. §§ 494-497; Supp. V, § 496.
34 U. S. C., Supp. V, §§ 498-498k.

Ante, p. 394.

Proviso.
Group IV (b), etc.,
employees.

Seventy-sixth Congress), \$144,000,000, to remain available until expended: *Provided*, That the sum to be paid out of this appropriation for employees in the field service assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed 7 per centum.

Armor, armament,
and ammunition.

Armor, armament, and ammunition: Toward the armor, armament, and ammunition for vessels hereinbefore described under the head of "Construction and Machinery", and including the necessary tools, equipment, and facilities at naval establishments or private plants required for expediting shipbuilding, \$78,400,000, to remain available until expended: *Provided*, That the sum to be paid out of this appropriation for employees in the field service assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed 7 per centum.

Proviso.
Group IV (b), etc.,
employees.

NAVY DEPARTMENT

Ante, pp. 288, 289.

SALARIES AND CONTINGENT EXPENSES

For compensation for personal services in the District of Columbia, as follows:

Office of the Secretary of the Navy, including salary of the Under Secretary at \$10,000 per annum, \$10,000.

Office of the Chief of Naval Operations, \$20,000.

Bureau of Navigation, \$35,000.

Hydrographic Office, \$25,000.

Naval Observatory, \$3,000.

Bureau of Supplies and Accounts, \$16,200.

Contingent expenses, \$20,000.

EMERGENCY FUND

Naval auxiliaries
and patrol craft.
41 U. S. C. § 5.
Post, p. 1109.

To enable the Secretary of the Navy, with the approval of the President, without reference to section 3709 of the Revised Statutes, to rent and convert, or construct or acquire and convert vessels to naval auxiliaries and patrol craft of all kinds, \$25,000,000.

Repairs, etc., to
vessels.

SEC. 301. The Secretary of the Navy is authorized, where necessary, to exceed the statutory limit on repairs and alterations to vessels during the fiscal year 1941.

Ante, p. 296.

SEC. 302. The second proviso under the heading "Naval Personnel" contained in title II of the Act making appropriations for the Navy Department and the Naval Service for the fiscal year 1941 is hereby amended to read as follows: "*Provided further*, That to the extent that naval reservists are not available the Secretary of the Navy may recruit regular enlisted men in the Navy".

Recruiting of en-
listed men.

SEC. 303. Enlisted men of the Navy may be detailed to the Office of Naval Intelligence during the fiscal year 1941.

Detailing of enlisted
men.

Citation of title.

SEC. 304. This title may be cited as "Title III of the Naval Appropriation Act for the Fiscal Year 1941".

TITLE IV—GENERAL PROVISIONS

Short title.

SEC. 401. This Act may be cited as the "First Supplemental National Defense Appropriation Act, 1941".

Approved, June 26, 1940.

[CHAPTER 431]

JOINT RESOLUTION

To amend section 4 of Public Resolution Numbered 54, approved November 4, 1939, entitled "Joint resolution to preserve the neutrality and the peace of the United States and to secure the safety of its citizens and their interests."

June 26, 1940
[S. J. Res. 279]
[Pub. Res., No. 87]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of Public Resolution Numbered 54, approved November 4, 1939, entitled "Joint resolution to preserve the neutrality and the peace of the United States and to secure the safety of its citizens and their interests" be, and is hereby, amended to read as follows:

Neutrality Act of 1939, amendment.
Ante, p. 7; *post*, p. 866.
22 U. S. C., Supp. V, § 245j-3.

"SEC. 4. The provisions of section 2 (a) shall not prohibit the transportation by vessels, unarmed and not under convoy, under charter or other direction and control of the American Red Cross of officers and American Red Cross personnel, medical personnel, and medical supplies, food, and clothing, for the relief of human suffering: *Provided*, That where permission has not been given by the blockading power, no American Red Cross vessel shall enter a port where a blockade by aircraft, surface vessel, or submarine is being attempted through the destruction of vessels, or into a port of any country where such blockade of the whole country is being so attempted: *Provided further*, That such American Red Cross vessel shall be on a mission of mercy only and carrying only Red Cross materials and personnel."

American Red Cross vessels.

Prorisos.
Blockaded ports.

Mission; materials and personnel.

Approved, June 26, 1940.

[CHAPTER 432]

JOINT RESOLUTION

Making appropriations for work relief and relief, for the fiscal year ending June 30, 1941.

June 26, 1940
[H. J. Res. 544]
[Pub. Res., No. 88]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this joint resolution may be cited as the "Emergency Relief Appropriation Act, fiscal year 1941".

Emergency Relief Appropriation Act, fiscal year 1941.

WORK PROJECTS ADMINISTRATION

SECTION 1. (a) In order to continue to provide work for needy persons on useful public projects in the United States and its Territories and possessions, there is hereby appropriated to the Work Projects Administration, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1941, \$975,650,000, together with all balances of appropriations under section 1 (a) of the Emergency Relief Appropriation Act of 1939, which remain unobligated on June 30, 1940, including such unobligated balances of funds transferred to other Federal agencies for nonconstruction projects under the provisions of section 11 (a) of such Act of 1939, or set aside for specific purposes in accordance with other law: *Provided*, That notwithstanding any other provision of law, funds heretofore irrevocably set aside for the completion of Federal construction projects under authority of the Emergency Relief Appropriation Acts of 1938 and 1939 shall remain available until June 30, 1941, for such completion, and any such funds which remain unobligated by reason of the completion or abandonment of any such Federal construction project shall be returned to this appropriation: *Provided further*, That the funds appropriated by this section may be apportioned for a lesser period than the twelve months of the fiscal year 1941, but not for less than eight months, as determined by the President, if in his judgment such action is

Continuation of work relief.

53 Stat. 927.
15 U. S. C., Supp. V, ch. 16 (note).

Provisos.
Completion of Federal construction projects, funds available.
52 Stat. 809; 53 Stat. 927.
15 U. S. C., Supp. V, ch. 16 (note).

Apportionment during 1941.

required to meet unemployment conditions during such lesser period, but the funds so appropriated shall be so administered during such period as to constitute the total amount that will be furnished to such Administration during such period.

Funds available for administration and designated projects.
Post, p. 634.

50 Stat. 352; 52 Stat. 809; 53 Stat. 927.
15 U. S. C., Supp. V, ch. 16 (note).

(b) The funds provided in this section shall be available for (1) administration; (2) the prosecution of projects approved by the President under the provisions of the Emergency Relief Appropriation Acts of 1937, 1938, and 1939; and (3) the prosecution of the following types of public projects, Federal and non-Federal, subject to the approval of the President, namely: Highways, roads, and streets; public buildings; parks, and other recreational facilities, including buildings therein; public utilities; electric transmission and distribution lines or systems to serve persons in rural areas, including projects sponsored by and for the benefit of nonprofit and cooperative associations; sewer systems, water supply, and purification systems; airports and other transportation facilities; flood control; drainage; irrigation, including projects sponsored by community ditch organizations; water conservation; soil conservation, including projects sponsored by soil conservation districts and other bodies duly organized under State law for soil erosion control and soil conservation, preference being given to projects which will contribute to the rehabilitation of individuals and an increase in the national income; forestation, reforestation, and other improvements of forest areas, including the establishment of fire lanes; fish, game, and other wildlife conservation; eradication of insect, plant, and fungus pests; the production of lime and marl for fertilizing soil for distribution to farmers under such conditions as may be determined by the sponsors of such projects under the provisions of State law; educational, professional, clerical, cultural, recreational, production, and service projects, including training for nursing and for domestic service; aid to self-help and cooperative associations for the benefit of needy persons; and miscellaneous projects: *Provided*, That all persons employed on work projects shall, so far as practicable, be employed on projects nearest their respective homes.

Post, p. 634.

Proviso.
Employment on nearest project.

Limitation on use of funds for other than labor costs.

Increases allowed.

Provisos.
Restriction on purchase of construction equipment, etc.

Use of funds for projects of military or naval importance.

(c) The funds appropriated in this section, exclusive of those used for administrative expenses, shall be so administered that expenditure authorizations for other than labor costs for all the work projects financed from such funds in any State, Territory, possession, or the District of Columbia shall not exceed an average for the fiscal year ending June 30, 1941, of \$6 per month per worker, except that the Commissioner of Work Projects (hereinafter referred to as the "Commissioner") may authorize an increase in the average in cases where the increased cost of materials would have the effect of raising such average above \$6 but in no event shall the increase in such average exceed the amount necessary to meet such increase in material costs and in no event shall such average exceed \$7: *Provided*, That the funds appropriated in this section shall not be used for the purchase of any construction equipment or machinery in any case in which such equipment or machinery can be rented at prices determined by the Commissioner to be reasonable, and his determinations, made in conformity with rules and regulations prescribed by him, shall be final and conclusive: *Provided further*, That not to exceed \$25,000,000 of funds herein appropriated to the Work Projects Administration may be used by the Commissioner to supplement the amounts so authorized for other than labor costs in any State, Territory, possession, or the District of Columbia in connection with the prosecution of projects which have been certified by the Secretary of War and the Secretary of the Navy, respectively, as being important for military or naval purposes.

(d) In administering the funds appropriated in this section, not to exceed three-fourths of the total cost of all non-Federal projects approved after January 1, 1940, to be undertaken within any State, Territory, possession, or the District of Columbia, with respect to which any such funds are used, shall be borne by the United States, and not less than one-fourth of such total cost shall be borne by the State and its political subdivisions, or by the Territory, possession, or the District of Columbia, as the case may be: *Provided*, That the provisions of this subsection shall not apply to projects (1) which have been certified by the Secretary of War and the Secretary of the Navy, respectively, as being important for military or naval purposes, or (2) which authorize necessary temporary measures to avert danger to life, property, or health in the event of disaster or grave emergency caused by flood, storm, fire, earthquake, drought, or similar cause. The facts constituting compliance with the requirements of this subsection shall be determined by the Commissioner, and his determinations, made in conformity with rules and regulations prescribed by him, shall be final and conclusive.

Non-Federal projects.
Allocation of cost.

Proviso.
Projects excepted.

(e) The funds appropriated in section 1 (a) hereof shall be available to provide, under regulations to be prescribed by the Commissioner, for medical and hospital facilities for work camp project employees and burial expenses of deceased work camp project employees, including the transportation of remains to place of burial: *Provided*, That deductions shall be made from the earnings of all project employees quartered in such camps in an amount sufficient to offset the estimated cost to the United States for furnishing the foregoing.

Medical, etc., facilities;
burial expenses.

Proviso.
Costs borne by project employees.

(f) When it is found that as a result of bad faith, fraud, or misrepresentation on the part of the sponsor, any land, building, structure, facility, or other project, or any part thereof, upon which funds appropriated in this joint resolution have been expended, is used, transferred, or disposed of without retention and control for public use, the sponsor of the project and the person or organization to which the land, building, structure, facility, or project has been sold, leased, or given, shall be liable, jointly and severally, upon demand of the Commissioner or his duly authorized representative, to pay over to the United States an amount equal to the amount of Federal funds expended on such land, building, structure, facility, or project.

Fraud, etc., on part of sponsor.

Liability of persons concerned.

(g) The amount which may be obligated for administrative expenses of the Work Projects Administration in the District of Columbia and in the field shall not exceed in the aggregate the sum of \$41,534,000 during the fiscal year 1941, of which sum the amounts so to be obligated for the following respective purposes shall not exceed these sums: Salaries, \$34,105,000; communication service, \$612,750; travel, \$3,610,000; and printing and binding, \$437,000: *Provided*, That if the President shall determine under section 1 (a) that the appropriation made by such section shall be apportioned for a period less than the entire fiscal year, the Director of the Bureau of the Budget shall apportion the amounts which may be obligated for administrative expenses for such period, but if the period determined is an eight months' period there may be obligated for administrative expenses not to exceed \$30,875,000, of which sum not to exceed \$25,626,250 shall be available for salaries; \$418,000 for communication service; \$2,536,500 for travel; and \$323,000 for printing and binding.

Administrative expenses, maximum.

Designated purposes.

Proviso.
Apportionment during 1941.

(h) The Commissioner shall transmit to Congress, on the first day of each regular session thereof, a statement showing for each State the names, addresses, positions, and compensation of all employees of the Work Projects Administration whose compensation is at the

Statements of personnel, etc., to Congress.

Work Projects Administration.
Extension to June 30, 1941.

Detail of Army officer as Commissioner of Work Projects.

Compensation.

rate of \$1,200 per annum or more. For the purposes of this subsection, the term "State" shall include the Territories, possessions, and the District of Columbia.

(i) The functions heretofore vested in the Works Progress Administration and the Work Projects Administration are authorized to be carried out until June 30, 1941, by the Work Projects Administration subject to the provisions of this joint resolution and such latter Administration is hereby extended until such date to carry out the purposes of this section.

(j) The President may detail a commissioned officer on the active list of the United States Army to perform the functions of the office of Commissioner of Work Projects, without loss of or prejudice to his status as such officer. Any commissioned officer so detailed shall receive, in addition to his pay and allowances as such officer, an amount sufficient to make his total compensation \$10,000 per annum while he is so detailed.

DEPARTMENT OF AGRICULTURE

Rural rehabilitation and relief.

53 Stat. 929.
15 U. S. C., Supp. V, ch. 16 (note).
Availability of funds.

52 Stat. 809; 53 Stat. 927.
15 U. S. C., Supp. V, ch. 16 (note).

Advances from R. F. C., maximum.

Conditions.

Payments to R. F. C.

Increase of R. F. C. notes, etc., authorized.

SEC. 2. (a) In order to continue to provide assistance through rural rehabilitation and relief to needy farmers and relief to other needy persons in the United States, its Territories and possessions, there is hereby appropriated to the Department of Agriculture, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1941, \$59,000,000, together with the balance of the appropriation under section 3 of the Emergency Relief Appropriation Act of 1939 which remains unobligated on June 30, 1940.

(b) The funds appropriated by subsection (a) of this section shall be available for (1) administration (not to exceed \$7,500,000); (2) farm debt adjustment service and making and servicing of loans and relief under this section and prior law; (3) loans; (4) relief; (5) the prosecution of projects approved by the President for the Farm Security Administration under the Emergency Relief Appropriation Acts of 1938 and 1939; and (6) the following types of useful public projects, Federal and non-Federal, subject to the approval of the President: (a) Projects involving provision of additional water facilities, (b) projects involving construction and operation of migratory labor camps, and (c) projects involving land development (to provide work relief for homesteaders) on rural rehabilitation projects.

(c) In order to furnish the Secretary of Agriculture with additional funds for the purpose of making rural rehabilitation loans to needy farmers, the Reconstruction Finance Corporation is authorized and directed, until June 30, 1941, to make advances to the Secretary of Agriculture upon his request in an aggregate amount of not to exceed \$125,000,000. Such advances shall be made: (1) With interest at the rate of 3 per centum per annum payable semiannually; (2) upon the security of obligations acceptable to the Corporation heretofore or hereafter acquired by the Secretary pursuant to law; (3) in amounts which shall not exceed 75 per centum of the then unpaid principal amount of the obligations securing such advances; and (4) upon such other terms and conditions, and with such maturities, as the Corporation may determine. The Secretary of Agriculture shall pay to the Corporation, currently as received by him, all moneys collected as payments of principal and interest on the loans made from the amounts so advanced, or collected upon any obligations held by the Corporation as security for such advances, until such amounts are fully repaid. The amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized and empowered to issue and to have outstanding at any one time under

the provisions of law in force on the date this subsection takes effect is hereby increased by an amount sufficient to carry out the provisions of this subsection.

(d) In making any relief payments under this section, the Secretary of Agriculture is authorized to require of employable recipients of such payments the performance of work on useful public projects, Federal and non-Federal, including work on private or public land in furtherance of the conservation of natural resources, and the provisions of section 23 of this joint resolution, relating to disability or death compensation and benefits, shall apply to such recipients while performing such work.

Disability or death compensation and benefits.

(e) The proceeds of each loan made under this section shall be impressed with a trust for the purposes for which such loan is made, and such proceeds may be used only for such purposes, and shall continue subject to such trust and shall be free from garnishment attachment, levy, or seizure by or under any legal or equitable process whatever until used by the borrower for such purposes. It shall be unlawful for any borrower to use the proceeds of any loan made to him for any purpose other than those stated in his loan application, except with the written permission of the Secretary of Agriculture or his duly authorized representative. Any person who willfully violates any of the provisions of this section shall, upon conviction thereof, be punished by a fine of not more than \$1,000, or by imprisonment for not more than six months, or both.

Proceeds of loan impressed with a trust.

Unlawful use of proceeds.

Penalty.

No loan shall be made under this section to any person to enable him to subscribe or pay for stock or membership in any cooperative association or branch thereof not organized or in existence on the date of enactment of this joint resolution.

Cooperative associations.

(f) The Farm Security Administration within the Department of Agriculture is hereby extended until June 30, 1941, to carry out the purposes of this section.

Farm Security Administration, extension.

PUERTO RICO RECONSTRUCTION ADMINISTRATION

SEC. 3. (a) In order to continue rural rehabilitation for needy persons in Puerto Rico and for other projects described in this section, there is hereby appropriated to the Puerto Rico Reconstruction Administration, Department of the Interior, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1941, \$4,000,000, together with the balance of the appropriation under section 4 of the Emergency Relief Appropriation Act of 1939, and the balance in the special fund created under the Act of February 11, 1936 (49 Stat. 1135), which remain unobligated on June 30, 1940.

Continuation of rural rehabilitation, etc.

53 Stat. 930.
15 U. S. C., Supp.
V, ch. 16 (note).

(b) The funds provided in this section shall be available for (1) administration; (2) loans; (3) the prosecution of projects approved by the President for the Puerto Rico Reconstruction Administration under the provisions of the Emergency Relief Appropriation Acts of 1935 and 1938; and (4) subject to the approval of the President, for projects involving rural rehabilitation of needy persons: *Provided*, That the cost (including all overhead expenses) of any dwelling or any other building the construction of which is hereafter undertaken in connection with such rural rehabilitation shall not exceed \$750 and \$400, respectively.

Availability of funds.

49 Stat. 115; 52 Stat. 809.
15 U. S. C., Supp.
V, ch. 16 (note).

Proviso.
Limitation on cost of buildings.

(c) That section 5 of the Fair Labor Standards Act of 1938 is amended by adding at the end thereof the following:

Fair Labor Standards Act of 1938, amendment.
52 Stat. 1062.
29 U. S. C., Supp. V, § 205.
Minimum rates of wages of employees in Puerto Rico and the Virgin Islands.

“(e) No industry committee appointed under subsection (a) of this section shall have any power to recommend the minimum rate or rates of wages to be paid under section 6 to any employees in Puerto Rico or in the Virgin Islands. Notwithstanding any other

provision of this Act, the Administrator may appoint a special industry committee to recommend the minimum rate or rates of wages to be paid under section 6 to all employees in Puerto Rico or the Virgin Islands, or in Puerto Rico and the Virgin Islands, engaged in commerce or in the production of goods for commerce, or the Administrator may appoint separate industry committees to recommend the minimum rate or rates of wages to be paid under section 6 to employees therein engaged in commerce or in the production of goods for commerce in particular industries. An industry committee appointed under this subsection shall be composed of residents of such island or islands where the employees with respect to whom such committee was appointed are employed and residents of the United States outside of Puerto Rico and the Virgin Islands. In determining the minimum rate or rates of wages to be paid, and in determining classifications, such industry committees and the Administrator shall be subject to the provisions of section 8 and no such committee shall recommend, nor shall the Administrator approve, a minimum wage rate which will give any industry in Puerto Rico or in the Virgin Islands a competitive advantage over any industry in the United States outside of Puerto Rico and the Virgin Islands."

Nonapplication of
prior wage orders.

(d) No wage orders issued by the Administrator pursuant to the recommendations of an industry committee made prior to the enactment of this joint resolution pursuant to section 8 of the Fair Labor Standards Act of 1938 shall after such enactment be applicable with respect to any employees engaged in commerce or in the production of goods for commerce in Puerto Rico or the Virgin Islands.

52 Stat. 1062,
29 U. S. C., Supp.
V, § 206.

Superseding of cer-
tain minimum wage
provisions; condition.

(e) Section 6 of the Fair Labor Standards Act of 1938 is amended by adding at the end thereof the following:

"(c) The provisions of paragraphs (1), (2), and (3) of subsection (a) of this section shall be superseded in the case of any employee in Puerto Rico or the Virgin Islands engaged in commerce or in the production of goods for commerce only for so long as and insofar as such employee is covered by a wage order issued by the Administrator pursuant to the recommendations of a special industry committee appointed pursuant to section 5 (e)."

52 Stat. 1062,
29 U. S. C., Supp.
V, § 206 (a).

Minimum piece
rates for home work-
ers.

(f) Section 6 (a) of the Fair Labor Standards Act of 1938 is amended by adding at the end thereof the following:

"(5) if such employee is a home worker in Puerto Rico or the Virgin Islands, not less than the minimum piece rate prescribed by regulation or order; or, if no such minimum piece rate is in effect, any piece rate adopted by such employer which shall yield, to the proportion or class of employees prescribed by regulation or order, not less than the applicable minimum hourly wage rate. Such minimum piece rates or employer piece rates shall be commensurate with, and shall be paid in lieu of, the minimum hourly wage rate applicable under the provisions of this section. The Administrator, or his authorized representative, shall have power to make such regulations or orders as are necessary or appropriate to carry out any of the provisions of this paragraph, including the power without limiting the generality of the foregoing, to define any operation or occupation which is performed by such home work employees in Puerto Rico or the Virgin Islands; to establish minimum piece rates for any operation or occupation so defined; to prescribe the method and procedure for ascertaining and promulgating minimum piece rates; to prescribe standards for employer piece rates, including the proportion or class of employees who shall receive not less than the minimum hourly wage rate; to define the term 'home worker'; and to prescribe the conditions under which employers, agents, contractors, and subcontractors shall cause goods to be produced by home workers."

Regulations or
orders.

INDIAN SERVICE

SEC. 4. (a) In order to continue to provide relief and rural rehabilitation for needy Indians in the United States, there is hereby appropriated to the Bureau of Indian Affairs, Department of the Interior, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1941, \$1,700,000.

Continuation of relief and rural rehabilitation.

(b) The funds provided in this section shall be available for (1) administration, not to exceed \$80,000; (2) loans; (3) relief; (4) the prosecution of projects approved by the President for the Farm Security Administration for the benefit of Indians under the provisions of the Emergency Relief Appropriation Act of 1938; and (5) subject to the approval of the President for projects involving rural rehabilitation of needy Indians.

Availability of funds.

52 Stat. 809,
15 U. S. C., Supp.
V, ch. 16 (note).

ADMINISTRATIVE AGENCIES

SEC. 5. (a) In order to provide for administrative expenses incidental to carrying out the purposes of this joint resolution, there is hereby appropriated to the following agencies, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1941: (1) General Accounting Office, \$5,600,000; (2) Treasury Department: (a) Procurement Division, \$3,400,000; (b) Division of Disbursement, \$1,954,516; (c) Office of the Treasurer, \$490,000; (d) Secret Service Division, \$163,000; (e) Office of Commissioner of Accounts and Deposits and Division of Bookkeeping and Warrants, \$4,628,841, for administrative accounting; total, Treasury Department, \$10,636,357: *Provided*, That no part of the sum herein appropriated shall be used to defray the expenses of transferring or maintaining the performance of any of the functions appropriated for in (a), (b), and (e) of subdivision (2) of this subsection at points other than in the States where any of such functions are now performed; (3) Public Health Service of the Federal Security Agency, \$200,000; and (4) Civil Aeronautics Authority, \$175,000: *Provided*, That if the President shall determine under section 1 (a) that the appropriation made by such section shall be apportioned for a period less than the entire fiscal year, the appropriations made by this section shall be apportioned by the Director of the Bureau of the Budget for a lesser period than the fiscal year but not for less than eight months.

Administrative expenses of designated agencies.

Proviso.
Restriction on use of funds.

Apportionment.

(b) The appropriations in subdivisions (2), (3), and (4) of subsection (a) of this section shall not be used to pay the compensation of persons employed entirely upon the regular work (as distinguished from emergency work under appropriations in this section) of any department or agency, nor to pay the compensation of employees engaged partially upon such regular work unless, in the determination of the head of such department or agency (which determination shall be conclusive), offsetting employment upon such emergency work of such department or agency is performed by employees paid from the regular funds thereof.

Persons employed upon regular work.

UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

SEC. 6. (a) In order to carry out the provisions of section 23 hereof, there is hereby made available to the United States Employees' Compensation Commission for the fiscal year ending June 30, 1941, \$3,100,000 of the special funds set up on the books of the Treasury pursuant to the provisions of the Emergency Relief Appropriation Acts of 1935, 1936, 1937, 1938, and 1939: *Provided*, That the amount in this section shall be available for payment of such com-

Funds available.

15 U. S. C., Supp.
V, ch. 16 (note).
Proviso.
Payments.

Apportionment.

and for administrative expenses: *Provided further*, That if the President shall determine under section 1 (a) that the appropriation made by such section shall be apportioned for a period less than the entire fiscal year, the amount made available by this section shall be apportioned by the Director of the Bureau of the Budget for a lesser period than the fiscal year but not for less than eight months.

Medical and hospital services.

(b) The funds made available in this section, together with the balance of funds heretofore appropriated or allocated to such Commission under prior emergency relief appropriation Acts, shall be available for payments to Federal agencies for medical and hospital services supplied by such departments and establishments in accordance with regulations of the Commission for injured persons entitled to benefits under section 23 hereof.

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Government Reports.
Administrative expenses.

SEC. 7. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1941, for all necessary administrative expenses to enable the Office of Government Reports, Executive Office of the President, to perform the functions of the National Emergency Council, transferred to and consolidated in the Executive Office of the President on July 1, 1939, by Reorganization Plan Numbered II, \$750,000.

53 Stat. 1431.

GENERAL AND SPECIAL PROVISIONS

Apportionment and distribution of funds.

SEC. 8. Funds appropriated in this joint resolution to the various Federal agencies shall be so apportioned and distributed over the period ending June 30, 1941, except where a different apportionment is specifically permitted by this joint resolution, and shall be so administered during such period as to constitute the total amount that will be furnished to such agencies during such period for the purposes herein set forth.

Restriction on use of funds.

SEC. 9. The funds made available by this joint resolution shall be used only for work relief or relief for persons in need except as otherwise specifically provided herein.

Allocation of funds to other Federal agencies.

SEC. 10. (a) The Commissioner is authorized to allocate not to exceed \$40,000,000 to other Federal agencies for the operation, under such rules and regulations as the Commissioner may prescribe, of projects of the type specified in subsection (b) of section 1 which are within the scope of the functions usually carried out by such agencies, including administrative expenses of such agencies incident to such operation: *Provided*, That not to exceed 4 per centum of the total amount so allocated to any such agency shall be used for such administrative expenses: *Provided further*, That no project shall be prosecuted under any allocation under this subsection upon which the percentage of nonrelief persons employed exceeds 10 per centum of the total number of persons employed.

Provisos.
Limitation on administrative expenses.
Employment of non-relief persons restricted.

Allocations sufficient for completion of projects; exception.

(b) No Federal construction project, except flood control and water conservation projects authorized under other law, shall be undertaken or prosecuted under the appropriations in this joint resolution unless and until there shall have been allocated and irrevocably set aside Federal funds sufficient for its completion.

Non-Federal projects, requirement.

(c) No non-Federal project shall be undertaken or prosecuted under appropriations under this joint resolution (except under section 3) unless and until the sponsor has made a written agreement to finance such part of the entire cost thereof as the head of the agency, if the agency administers sponsored projects, determines under the circumstances is an adequate contribution taking into

consideration the financial ability of the sponsor. The head of the agency shall prescribe rules and regulations relating to the valuation of contributions in kind by sponsors of projects through furnishing the use of their own facilities and equipment and the services of their own employees, which shall represent an actual cash value, and such rules and regulations shall also allow credit only to the extent that the furnishing of such contributions represents a financial burden which is undertaken by the sponsors on account of Work Projects Administration projects, or other sponsored projects.

Rules and regulations.

SEC. 11. None of the funds made available by this joint resolution shall be expended on the construction of any building (1) the total estimated cost of which, in the case of a Federal building, exceeds \$100,000, or (2) the portion of the total estimated cost of which payable from Federal funds, in the case of a non-Federal building, exceeds \$100,000, unless the building is one (a) for which the project has been approved by the President on or prior to May 15, 1940, or for which an issue of bonds has been approved at an election held on or prior to such date, or for which a State legislature has made an appropriation on or prior to such date, or (b) for the completion of which funds have been allocated and irrevocably set aside under prior relief appropriation Acts: *Provided*, That the provisions of this section shall not apply to any projects which have been certified by the Secretary of War and the Secretary of the Navy, respectively, as being important for military or naval purposes.

Construction of buildings.
Restriction on use of funds.

SEC. 12. (a) The various agencies for which appropriations are made in this joint resolution are authorized to receive from sponsors of non-Federal projects contributions in services, materials, or money, such money to be deposited with the Treasurer of the United States. Such contributions shall be expended or utilized as agreed upon between the sponsor and such agencies.

Proviso.
Projects of military or naval importance.

Contributions from sponsors of non-Federal projects.

(b) All receipts and collections of Federal agencies by reason of operations in consequence of appropriations made in this joint resolution, except cash contributions of sponsors of projects and amounts credited to revolving funds authorized by this joint resolution, shall be covered into the Treasury as miscellaneous receipts.

Disposition of receipts and collections.

(c) Except as authorized in this joint resolution, no allocation of funds shall be made to any other Federal agency from the appropriation in this joint resolution for any Federal agency. No such allocation shall be made for the exercise of the functions of the Radio Division or the United States Film Service transferred to the Office of Education of the Federal Security Agency.

Restriction on allocation of funds.

SEC. 13. Agencies receiving appropriations under this joint resolution are authorized to prescribe such rules and regulations as may be necessary to carry out the purposes for which such appropriations are made.

Rules and regulations.

SEC. 14. (a) The Commissioner shall fix a monthly earning schedule for persons engaged upon work projects financed in whole or in part from funds appropriated by section 1 which shall not substantially affect the current national average labor cost per person of the Work Projects Administration. Such monthly earning schedule shall not be varied for workers of the same type in different geographical areas to any greater extent than may be justified by differences in the cost of living. The Commissioner shall require that the hours of work for all persons engaged upon work projects financed in whole or in part by funds appropriated by section 1 shall (1) be one hundred and thirty hours per month except that the Commissioner, in his discretion, may require a lesser number of hours of work per month in the case of relief workers with no dependents and the earnings of such workers shall be correspondingly reduced,

Monthly earning schedule.

Differentials, restriction.

Hours of work.

	and (2) not exceed eight hours in any day and (3) not exceed forty hours in any week.
Exemptions.	(b) The Commissioner may authorize exemptions from the above limitations of monthly earnings and hours of work on projects certified as hereinbefore provided as being important for military or naval purposes; to protect work already done on a project; to permit making up lost time; in the case of an emergency involving the public welfare; and in the case of supervisory personnel employed on work projects.
Preference in employment.	SEC. 15. (a) In employing or retaining in employment on Work Projects Administration work projects, preference shall be determined, as far as practicable, on the basis of relative needs and shall, where the relative needs are found to be the same, be given in the following order: (1) Veterans of the World War and the Spanish-American War and veterans of any campaign or expedition in which the United States has been engaged (as determined on the basis of the laws administered by the Veterans' Administration except that discharged draft enrollees other than those with service-connected disability shall not be considered as veterans for the purposes of this subsection) and unmarried widows of such veterans and the wives of such veterans as are unemployable who are in need and are American citizens; and (2) other American citizens, Indians, and other persons owing allegiance to the United States who are in need.
Removal after 18 months; exceptions.	(b) There shall be removed from employment on Work Projects Administration projects all relief workers, excepting veterans, unmarried widows of such veterans and wives of such veterans as are unemployable, who have been continuously employed on such projects for more than eighteen months, and any relief worker so removed shall be ineligible to be restored to employment on such projects until after (a) the expiration of thirty days after the date of his removal, and (b) recertification of his eligibility for restoration to employment on such projects.
Restoration.	(c) In considering employment of persons upon work projects prosecuted under the appropriations contained in this joint resolution, the agency providing the employment shall determine whether such persons are able to perform the work on work projects to which they can be assigned and no person shall be employed or retained for employment on any such project whose work habits are such or work record shows that he is incapable of performing satisfactorily the work to which he may be assigned on the project.
Qualifications for employment.	(d) There shall be removed from employment on Work Projects Administration projects all relief workers whose needs for employment have not been certified by, and, except as provided in section 16 (b), no relief worker shall be employed on such projects until after his need for employment has been certified by (a) a local public certifying agency or (b) the Work Projects Administration where no such agency exists or where the Work Projects Administration certifies by reason of its refusal to accept certification by local public agencies.
Removal or nonemployment of uncertified relief workers.	(e) No blind person receiving aid under the Social Security Act, as amended, shall be prohibited from temporarily relinquishing such aid to accept employment on a Work Projects Administration project.
Employment of blind persons.	(f) No alien, no Communist, and no member of any Nazi Bund Organization shall be given employment or continued in employment on any work project prosecuted under the appropriations contained in this joint resolution and no part of the money appropriated in this joint resolution shall be available to pay any person who has not made or who does not make affidavit as to United States citizenship and to the effect that he is not a Communist and not a member of any Nazi Bund Organization, such affidavit to be considered
Restriction on employment of aliens, Communists, or Nazi Bund Organization members.	

prima facie evidence of such citizenship, and that he is not a Communist, and not a member of any Nazi Bund Organization.

(g) The Commissioner shall cause a periodic investigation to be made of the rolls of relief employees on work projects, and shall eliminate from the rolls those not in actual need, such investigation to be made so that each case is investigated at least once in every twelve months.

Periodic investigations of relief rolls; eliminations.

SEC. 16. (a) No person in need who refuses a bona fide offer of private or other public employment under reasonable working conditions which pays the prevailing wage for such work in the community where he resides and who is capable of performing such work shall be employed or retained in employment on work projects under the funds appropriated in this joint resolution for the period such private or other public employment would be available.

Refusal of private, etc., employment offer.

(b) Any person who takes such employment shall at the expiration thereof be entitled to immediate resumption of his previous employment status with the Work Projects Administration if he is still in need and if he has lost such employment through no fault of his own, and if he has first drawn all the benefits of unemployment compensation that shall have accrued to him during his term in private employment and which are available to him.

Restoration of employment status with W. P. A.

SEC. 17. (a) No person shall be employed or retained in employment in any administrative position, or in any supervisory position on any project, under the appropriations in this joint resolution unless such person has previously subscribed or before engaging in such employment subscribes to the following oath:

Oath of office.

"I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office (or employment) on which I am about to enter (or which I now occupy). So help me God."

(b) No portion of the appropriation made under this joint resolution shall be used to pay any compensation to any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States.

Persons advocating overthrow of U. S. Government.

(c) The Commissioner and the head of any other agency receiving an appropriation hereunder is authorized to designate employees, administrative and supervisory, as he may deem necessary to administer such oaths as are required by this joint resolution and such other oaths as may be required or necessary in the operation of the Work Projects Administration or other agency, which oaths shall be administered without charge or fee; such oaths shall have the same force and effect as oaths administered by notaries, justices of the peace, and other Federal and non-Federal officers qualified to administer oaths.

Designation of employees to administer oaths.

SEC. 18. In carrying out the purpose of the appropriations in this joint resolution, the Secretary of the Treasury with the approval of the Director of the Bureau of the Budget, is authorized to prescribe rules and regulations for the establishment of special funds for any agency receiving an appropriation under this joint resolution, in the nature of revolving funds for use, until June 30, 1941, in the purchase, repair, distribution, or rental of materials, supplies, equipment, and tools.

Establishment of special funds for purchase of supplies, etc.

SEC. 19. The provision of section 3709 of the Revised Statutes (41 U. S. C. 5) shall not apply to any purchase made or service procured in connection with the appropriations in this joint resolution when the aggregate amount involved is less than \$300.

Minor purchases.

Administrative expenses.

SEC. 20. The appropriations in this joint resolution for administrative expenses and such portions of other appropriations in this joint resolution as are available for administrative expenses may be obligated in the amounts which the agency, with the approval of the Director of the Bureau of the Budget, shall have certified to the Secretary of the Treasury as necessary for personal services, in the District of Columbia and elsewhere, and for contract stenographic reporting services, supplies and equipment; purchase and exchange of lawbooks, books of reference, directories, and periodicals, newspapers and press clippings; travel expenses, including expenses of attendance at meetings of officials and employees of the agency on official business; rental at the seat of government and elsewhere; purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles; printing and binding and such other expenses as may be necessary for the accomplishment of the objectives of this joint resolution.

Nonapplication of Executive Order No. 7916.

SEC. 21. (a) The provisions of Executive Order Numbered 7916, dated June 24, 1938, shall not apply to positions the compensation of which is payable from appropriations contained in this joint resolution, and such appropriations shall not be available for the compensation of the incumbent of any position placed in the competitive classified civil service of the United States after January 10, 1939.

Acceptance of uncompensated services.

(b) In carrying out the purposes of this joint resolution the agencies receiving appropriations herein or allocations under such appropriations are authorized to accept and utilize such voluntary and uncompensated services, appoint, without regard to civil-service laws, such officers and employees, and utilize, with the consent of the head of the Federal agency by which they are employed, such Federal officers and employees, and with the consent of the State such State and local officers and employees at such compensation as shall be determined by the head of the agency involved, as may be necessary, and prescribe their authorities, duties, responsibilities, and tenure, and, without regard to the Classification Act of 1923, as amended, to fix the compensation of any officers and employees so appointed.

Appointments.
Utilization of Federal, State, and local employees.

42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Appointments to Federal administrative, etc., positions in States.

Separations and furloughs.

(c) Appointments to Federal positions of an administrative or advisory capacity under the appropriations in this joint resolution in any State shall be made from among the bona fide citizens of that State so far as not inconsistent with efficient administration.

Proviso.
Preferential status of soldiers, etc.

SEC. 22. In making separations from the Federal service, or furloughs without pay to last as long as three months, of persons employed within the District of Columbia, under the provisions of this joint resolution, the appointing power shall give preference, as nearly as good administration will warrant, in retention to appointees from States that have not received their share of appointments according to population: *Provided, however,* That soldiers, sailors, and marines, the widows of such, or the wives of injured soldiers, sailors, and marines, who themselves are not qualified, but whose wives are qualified to hold a position in the Government service, shall be given preference in retention, in their several grades and classes, where their ratings are good or better.

Disability or death compensation, etc.
5 U. S. C. § 793.
Employees excepted.

SEC. 23. The provisions of the Act of February 15, 1934 (48 Stat. 351), as amended, relating to disability or death compensation and benefits shall apply to persons (except administrative employees qualifying as civil employees of the United States) receiving compensation from the appropriations in this joint resolution for services rendered as employees of the United States: *Provided,* That this section shall not apply in any case coming within the purview of the workmen's compensation law of any State, Territory, or possession,

Proviso.
Nonapplication of section in designated cases.

or in which the claimant has received or is entitled to receive similar benefits for injury or death.

SEC. 24. None of the funds made available by this joint resolution shall be used (a) for the operation of any theater project, (b) for the operation of any project sponsored solely by the Work Projects Administration, or (c) for radio broadcasting in an amount exceeding \$100,000 or for the acquisition, rental, or distribution of motion-picture films.

Restriction on use of funds.

SEC. 25. The Commissioner is authorized to consider, ascertain, adjust, determine, and pay from the appropriation in section 1 hereof any claim on account of damage to or loss of privately owned property caused by the negligence of any employee of the Works Progress Administration or the Work Projects Administration while acting within the scope of his employment. No claim shall be considered hereunder which is in excess of \$500, or which is not presented in writing within one year from the date of accrual thereof. Acceptance by a claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof, and the action upon such claim so accepted by the claimant shall be conclusive.

Settlement of private damage claims.

Limitation.

Acceptance.

SEC. 26. The Commissioner is authorized to call to the attention of the city, county, and State governments the unemployment situation of that city, county, or State, and to seek the cooperation of the State or any subdivision thereof in meeting the unemployment problem.

State, etc., cooperation in meeting unemployment problem.

SEC. 27. Any person who knowingly and with intent to defraud the United States makes any false statement in connection with any application for any work project, employment, or relief aid under the appropriations in this joint resolution, or diverts, or attempts to divert or assists in diverting, for the benefit of any person or persons not entitled thereto, any portion of such appropriations, or any services or real or personal property acquired thereunder, or who knowingly, by means of any fraud, force, threat, intimidation, or boycott, or discrimination on account of race, religion, political affiliations (except as provided in section 15 (f)), or membership in a labor organization, deprives any person of any of the benefits to which he may be entitled under any such appropriations, or attempts so to do, or assists in so doing, or who disposes of, or assists in disposing of, except for the account of the United States, any property upon which there exists a lien securing a loan made under the provisions of this joint resolution or the Emergency Relief Appropriation Acts of 1935, 1936, 1937, 1938, and 1939, shall be deemed guilty of a felony and fined not more than \$2,000 or imprisoned not more than two years, or both. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

False statements with intent to defraud, etc.

Race, etc., discrimination.

15 U. S. C., Supp. V, ch. 16 (note).
Penalty.

SEC. 28. (a) It shall be unlawful for any person knowingly to solicit, or knowingly be in any manner concerned in soliciting, any assessment, subscription, or contribution for the campaign expenses of any individual or political party from any person receiving compensation or employment provided for by this joint resolution.

Solicitation of contributions for campaign expenses.

(b) Any person who knowingly violates any provision of this section shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

Penalty.

SEC. 29. (a) It shall be unlawful for any person, directly or indirectly, to promise any employment, position, work, compensation, or other benefit, provided for or made possible by this joint resolution, or any other Act of the Congress, to any person as consideration,

Promise of benefit as reward for political activity, etc.

Depriving persons of employment on account of race, etc.	favor, or reward for any political activity or for the support of or opposition to any candidate in any election or any political party.
	(b) Except as may be required by the provisions of section 15 (f) and section 30 hereof, it shall be unlawful for any person to deprive, attempt to deprive, or threaten to deprive, by any means, any person of any employment, position, work, compensation, or other benefit, provided for or made possible by this joint resolution, on account of race, creed, color, or any political activity, support of, or opposition to any candidate or any political party in any election.
Penalty.	(c) Any person who knowingly violates any provision of this section shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of law, or of this joint resolution.
Use of administrative authority to interfere with an election, etc.	SEC. 30. (a) It shall be unlawful for any person employed in any administrative or supervisory capacity by any agency of the Federal Government, whose compensation or any part thereof is paid from funds authorized or appropriated by this joint resolution, to use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. While such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects, they shall take no active part, directly or indirectly, in political management or in political campaigns or in political conventions.
Active participation in political campaigns, etc.	
Penalty.	(b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by this joint resolution shall be used to pay the compensation of such person. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.
Candidate for State, etc., office; campaign manager.	SEC. 31. No part of any appropriation in this joint resolution shall be used to pay the salary or expenses of any person in a supervisory or administrative position who is a candidate for any State, district, county, or municipal office (such office requiring full time of such person and to which office a salary or per diem attaches), in any primary, general or special election, or who is serving as a campaign manager or assistant thereto for any such candidate.
Reports of operations to Congress.	SEC. 32. Reports of the operations under the appropriations in this joint resolution and the appropriations in the Emergency Relief Appropriation Act of 1939, including a statement of the expenditures made and obligations incurred by classes of projects and amounts, shall be submitted to Congress by the President on or before the 31st of January in each of the next two regular sessions of Congress: <i>Provided</i> , That such reports shall be in lieu of the reports required by section 33 of such Act.
53 Stat. 927. 15 U. S. C., Supp. V, ch. 16.	
Proviso. Reports to be in lieu, etc.	
Competition with existing industries, restriction.	SEC. 33. No funds appropriated in this joint resolution, whether administered by the Federal Government or by the States or local governmental agencies from funds contributed in whole or in part by the Federal Government, shall be used by any Federal, State, or other agency to purchase, establish, relocate, or expand mills, factories, stores, or plants which would manufacture, handle, process, or produce for sale articles, commodities, or products (other than those derived from the first processing of sweetpotatoes and naval stores products) in competition with existing industries.
Restriction on use of funds for naval or military purposes.	SEC. 34. None of the funds appropriated by this joint resolution shall be used for the manufacture, purchase, or construction of any naval vessel, any armament, munitions, or implement of war, for military or naval forces, and no funds herein appropriated or author-

ized shall be diverted or allocated to any other department or bureau for such purpose.

SEC. 35. No part of the funds made available in this joint resolution shall be loaned or granted, except pursuant to an obligation incurred prior to the date of the enactment of this joint resolution, to any State, or any of its political subdivisions or agencies, for the purpose of carrying out or assisting in carrying out any program or project of constructing, rebuilding, repairing, or replanning its penal or reformatory institutions, unless the President shall find that the projects to be financed with such loan or grant will not cause or promote competition of the products of convict labor with the products of free labor.

SEC. 36. In expending appropriations or portions of appropriations, contained in this joint resolution, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, the average of the salaries of the total number of persons under any grade in any appropriation unit herein shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated, the salary of such position shall not exceed the average of the compensation rates for the grade: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, or (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

SEC. 37. Any Administrator or other officer named to have general supervision at the seat of government over the program and work contemplated under the appropriations contained in this joint resolution and receiving a salary of \$5,000 or more per annum from such appropriations, and any State or regional administrator receiving a salary of \$5,000 or more per annum from such appropriations (except persons now serving as such under other law) shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the provisions of section 1761 of the Revised Statutes shall not apply to any such appointee and the salary of any person so appointed shall not be increased for a period of six months after confirmation.

SEC. 38. Notwithstanding the provisions of any other law, the President is authorized, in his discretion, and under such regulations as he may prescribe, to provide within the Civilian Conservation Corps such training of enrollees therein in noncombatant subjects essential to the operations of the military and naval establishments as he considers may contribute materially to the interests of the national defense. Such subjects may include, but are not restricted to, cooking, baking, first aid to the injured, operation and maintenance of motor vehicles, road and bridge construction and maintenance, photography, signal communications, and other matters incident to the successful conduct of military and naval activities: *Provided*, That the appropriations under the heading "Civilian Conservation Corps" contained in the Federal Security Agency Appropriation Act, 1941, shall be available for carrying out the purposes of this

Restriction on construction, etc., of penal institutions.

Exception.

Salary restriction.

42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Proviso.
Restriction not applicable in designated cases.

42 Stat. 1490.
5 U. S. C. § 666.

Appointment of designated administrators; requirements.

Proviso.
Recess appointees; salary status.
5 U. S. C. § 56.

Civilian Conservation Corps.
Training of enrollees in noncombatant subjects.

Provisos.
Availability of funds.
Ante, p. 581.

No exclusion be-
cause of race, etc.

Tennessee Valley
Authority Act of 1933,
amendment.
48 Stat. 66.
16 U. S. C. § 831.
Payments to certain
States and counties
therein.

"Gross proceeds"
defined.

Payments in lieu of
taxation.

Apportionment of
payment among
States.

Provisos.
Minimum annual
payments to each
State.

Minimum to be not
less than \$10,000.

Payments to coun-
ties; deduction from
payment otherwise
due State.

section, and the limitations and conditions on the expenditure of such funds are hereby waived to the extent necessary to accomplish the purposes of this section: *Provided further*, That no person shall be excluded from the training program authorized by this section on account of race, color, or creed.

SEC. 39. Section 13 of the Tennessee Valley Authority Act of 1933 is hereby amended to read as follows:

"SEC. 13. In order to render financial assistance to those States and local governments in which the power operations of the Corporation are carried on and in which the Corporation has acquired properties previously subject to State and local taxation, the board is authorized and directed to pay to said States, and the counties therein, for each fiscal year, beginning July 1, 1940, the following percentages of the gross proceeds derived from the sale of power by the Corporation for the preceding fiscal year as hereinafter provided, together with such additional amounts as may be payable pursuant to the provisions hereinafter set forth, said payments to constitute a charge against the power operations of the Corporation: For the fiscal year (beginning July 1) 1940, 10 per centum; 1941, 9 per centum; 1942, 8 per centum; 1943, 7½ per centum; 1944, 7 per centum; 1945, 6½ per centum; 1946, 6 per centum; 1947, 5½ per centum; 1948 and each fiscal year thereafter, 5 per centum. 'Gross proceeds', as used in this section, is defined as the total gross proceeds derived by the Corporation from the sale of power for the preceding fiscal year, excluding power used by the Corporation or sold or delivered to any other department or agency of the Government of the United States for any purpose other than the resale thereof. The payments herein authorized are in lieu of taxation, and the Corporation, its property, franchises and income, are hereby expressly exempted from taxation in any manner or form by any State, county, municipality, or any subdivision or district thereof.

"The payment for each fiscal year shall be apportioned among said States in the following manner: One-half of said payment shall be apportioned by paying to each State the percentage thereof which the gross proceeds of the power sales by the Corporation within said State during the preceding fiscal year bears to the total gross proceeds from all power sales by the Corporation during the preceding fiscal year; the remaining one-half of said payment shall be apportioned by paying to each State the percentage thereof which the book value of the power property held by the Corporation within said State at the end of the preceding fiscal year bears to the total book value of all such property held by the Corporation on the same date. The book value of power property shall include that portion of the investment allocated or estimated to be allocable to power: *Provided*, That the minimum annual payment to each State (including payments to counties therein) shall not be less than an amount equal to the two-year average of the State and local ad valorem property taxes levied against power property purchased and operated by the Corporation in said State and against that portion of reservoir lands related to dams constructed by or on behalf of the United States Government and held or operated by the Corporation and allocated or estimated to be allocable to power. The said two-year average shall be calculated for the last two tax years during which said property was privately owned and operated or said land was privately owned: *Provided further*, That the minimum annual payment to each State in which the Corporation owns and operates power property (including payments to counties therein) shall not be less than \$10,000 in any case: *Provided further*, That the corporation shall pay directly to the respective counties the two-year average of county ad valorem property taxes (including taxes levied by

taxing districts within the respective counties) upon power property and reservoir lands allocable to power, determined as above provided, and all payments to any such county within a State shall be deducted from the payment otherwise due to such State under the provisions of this section. The determination of the board of the amounts due hereunder to the respective States and counties shall be final.

"The payments above provided shall in each case be made to the State or county in equal monthly installments beginning not later than July 31, 1940.

"Nothing herein shall be construed to limit the authority of the Corporation in its contracts for the sale of power to municipalities, to permit or provide for the resale of power at rates which may include an amount to cover tax-equivalent payments to the municipality in lieu of State, county, and municipal taxes upon any distribution system or property owned by the municipality, or any agency thereof, conditioned upon a proper distribution by the municipality of any amounts collected by it in lieu of State or county taxes upon any such distribution system or property; it being the intention of Congress that either the municipality or the State in which the municipality is situated shall provide for the proper distribution to the State and county of any portion of tax equivalent so collected by the municipality in lieu of State or county taxes upon any such distribution system or property.

"The Corporation shall, not later than January 1, 1945, submit to the Congress a report on the operation of the provisions of this section, including a statement of the distribution to the various States and counties hereunder; the effect of the operation of the provisions of this section on State and local finances; an appraisal of the benefits of the program of the Corporation to the States and counties receiving payments hereunder, and the effect of such benefits in increasing taxable values within such States and counties; and such other data, information, and recommendations as may be pertinent to future legislation."

SEC. 40. (a) The President is hereby authorized through such agency or agencies as he may designate to purchase exclusively in the United States and to transport, and to distribute as hereinafter provided, agricultural, medical, and other supplies for the relief of refugee men, women, and children, who have been driven from their homes or otherwise rendered destitute by hostilities or invasion. When so purchased, such materials and supplies are hereby authorized to be distributed by the President through the American Red Cross or such governmental or other agencies as he may designate.

(b) There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000,000, to be available until June 30, 1941, for carrying out the purposes of this section, including the cost of such purchases, the transportation to point of distribution, and distribution, administrative and other costs, but not including any administrative expense incurred by any non-governmental agency.

(c) Any governmental agency so designated to aid in the purchase, transportation or distribution of any such materials and supplies may expend any sums allocated to it for such designated purposes without regard to the provisions of any other Act.

(d) On or before June 30, 1941, the President shall submit to the Congress an itemized and detailed report of the expenditures and activities made and conducted under the authority contained in this section.

SEC. 41. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year 1941, the sum of \$50,000,000, to be used by the Secretary of Agriculture for

Payments in equal monthly installments.

Contracts with municipalities for sale of power.
Resale of power; rates.

Intention of Congress.

Report to Congress.

Purchase of agricultural, etc., supplies for relief of refugees.

Distribution.

Appropriation.

Expenditures.

Report to Congress.

Additional appropriation to encourage exportation and domestic consumption of agricultural products.

49 Stat. 774.
7 U. S. C., Supp. V,
§ 612c.

the purpose of effectuating the provisions of section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935, as amended, such sum to be in addition to any funds appropriated by such section 32 and to be subject to all the provisions of law relating to the expenditure of such funds.

Approved, June 26, 1940.

[CHAPTER 437]

AN ACT

June 27, 1940
[H. R. 10104]
[Public, No. 668]

Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1940, and June 30, 1941, and for other purposes.

Second Deficiency
Appropriation Act,
1940.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1940, and June 30, 1941, and for other purposes, namely:

TITLE I—GENERAL APPROPRIATIONS

LEGISLATIVE

SENATE

Ernest W. Gibson.
Payment to daughter.
Pages.

For payment to Doris Gibson, daughter of Ernest W. Gibson, late a Senator from the State of Vermont, \$10,000.

For the payment of twenty-one pages for the Senate at \$4 per day each, for the period commencing July 1, 1940, and ending with the last day of the month in which the Seventy-sixth Congress adjourns sine die at the third session thereof, so much as may be necessary.

Inquiries and investigations.
Ante, p. 465.

The unobligated balance of the appropriation for expenses of inquiries and investigations ordered by the Senate, contingent fund of the Senate, for the fiscal year 1940, is reappropriated and made available for the fiscal year 1941.

Folding pamphlets,
etc.

The unobligated balance of the appropriation for folding speeches and pamphlets at a rate not exceeding \$1 per thousand, contingent fund of the Senate, for the fiscal year 1939, is reappropriated and made available for the fiscal year 1940.

HOUSE OF REPRESENTATIVES

Clyde H. Smith.
Payment to widow.

For payment to the widow of Clyde H. Smith, late a Representative from the State of Maine, \$10,000, to be disbursed by the Sergeant at Arms of the House.

Pages.

For the payment of forty-seven pages for the House of Representatives, at \$4 per day each, for the period commencing July 1, 1940, and ending with the last day of the month in which the Seventy-sixth Congress adjourns sine die at the third session thereof, so much as may be necessary.

Contingent expenses.
53 Stat. 830.
Expenses of special and select committees.
Ante, p. 470.

Contingent expenses: For telegraph and telephone service, exclusive of personal services, fiscal year 1940, \$40,000.

For expenses of special and select committees authorized by the House, fiscal year 1940, \$75,000, to remain available for the fiscal year 1941.

For an additional amount under the appropriation "Contingent Expenses, House of Representatives, Attending Physician, 1941", \$1,500, to be paid to the Attending Physician in equal monthly installments and such installment rate shall be payable so long as the present incumbent serves on such detail.

Contested election expenses: For payment to Vincent F. Harrington, contestee, for expenses incurred in the contested election case of Swanson versus Harrington, as audited and recommended by the Committee on Elections Numbered 3, \$2,000, to be disbursed by the Clerk of the House of Representatives.

Committee on Revision of the Laws: For preparing and editing a new edition of the Code of Laws of the United States of America, as authorized and directed by law (U. S. C., title I, ch. 3), to be expended under the direction of the Committee on Revision of the Laws, fiscal year 1940, \$40,000, to remain available until June 30, 1941.

Attending Physician.
Ante, p. 470.

Contested election expenses.
Payment to Vincent F. Harrington.

Preparation, etc., of new edition of U. S. Code.

45 Stat. 1541.
1 U. S. C. § 52 (d).

JOINT COMMITTEE ON INAUGURAL CEREMONIES OF 1941

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States, January 20, 1941, in accordance with such program as may be adopted by the joint committee of the Senate and House of Representatives, appointed under a concurrent resolution of the two Houses, including the pay for extra police, fiscal year 1941, \$35,000.

Expenses of inaugural ceremonies.

Post, p. 1402.

OFFICE OF ARCHITECT OF CAPITOL

Capitol Building: For the reconstruction of the roofs and skylights over the Senate and House wings of the United States Capitol, including repairs, alterations, and improvements in the sections of the building affected, \$585,000, to remain available until June 30, 1942, and to be expended by the Architect of the Capitol without compliance with sections 3709 and 3744 of the Revised Statutes of the United States; and the Architect of the Capitol is hereby authorized to enter into contracts in the open market, to make expenditures for materials, supplies, equipment, accessories, advertising, traveling expenses, and personal and other services without regard to section 35 of the Public Buildings Act approved June 25, 1910, as amended, or the Classification Act of 1923 as amended.

Capitol Building.
Ante, p. 472.

41 U. S. C. §§ 5, 16.

Contracts, etc.

36 Stat. 699.
40 U. S. C. § 265;
Supp. V, § 265.
42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

CAPITOL POLICE BOARD

To enable the Capitol Police Board to provide additional protection during the present emergency for the Capitol Buildings and Grounds, including the Senate and House Office Buildings and the Capitol Power Plant, fiscal year 1941, \$60,000, to be disbursed, one-half by the Secretary of the Senate and one-half by the Clerk of the House of Representatives. Such sum shall only be expended for payment for salaries and other expenses of personnel detailed from the Federal Bureau of Investigation, the Secret Service of the Treasury Department, and the Metropolitan Police of the District of Columbia, and the heads of such agencies and the Commissioners of the District of Columbia are authorized and directed to make such details upon the request of the Board. Personnel so detailed shall, during the period of such detail, serve under the direction and instructions of the Board and is authorized to exercise the same authority as members of such Metropolitan Police and members of the Capitol Police and to perform such other duties as may be assigned by the

Additional protection for Capitol Buildings, etc.

Details from F. B. I., etc.

Duties, etc., of detailed personnel.

Reimbursement.

Board. Reimbursement for salaries and other expenses of such detailed personnel shall be made to the Federal agency or the government of the District of Columbia, respectively, and any sums so reimbursed shall be credited to the appropriation or appropriations from which such salaries and expenses are payable and be available for all the purposes thereof.

LIBRARY OF CONGRESS

Books for adult blind.
Ante, p. 476.
46 Stat. 1487.
2 U. S. C., Supp. V, § 135a.

Books for the adult blind: For an additional sum required to enable the Librarian of Congress to carry out the provisions of the Act entitled "An Act to provide books for the adult blind," approved March 3, 1931 (2 U. S. C. 135a), as amended, fiscal year 1941, \$25,000.

GOVERNMENT PRINTING OFFICE

Printing and binding.

53 Stat. 836.

Public printing and binding: For an additional amount for public printing and binding, Government Printing Office, including the same objects specified under this head in the Legislative Branch Appropriation Act, 1940, fiscal year 1940, \$415,000.

Messengers on night duty, payment.
Ante, p. 473.

For payment to Preston L. George, William S. Houston, John G. Nalley, and William H. Wannall, messengers on night duty during the third session of the Seventy-sixth Congress, \$450 each; in all, \$1,800, to be paid from the appropriation for printing and binding for Congress for the fiscal year 1941.

Code of Federal Regulations.

Code of Federal Regulations: The unexpended balance (except \$100,000 thereof) of the appropriation for printing of the Code of Federal Regulations, contained in the Act approved June 25, 1938 (52 Stat. 1115), is hereby continued available for the fiscal year 1941 for the printing, binding, and distribution of supplements to the Code of Federal Regulations.

INDEPENDENT ESTABLISHMENTS

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

Salaries and expenses.

Ante, p. 112.

Proviso.
Temporary services.
Ante, p. 112.

41 U. S. C. § 5.

Salaries and expenses: For an additional amount for salaries and expenses, Bureau of the Budget, fiscal year 1941, including the objects specified under this head in the Independent Offices Appropriation Act, 1941, \$50,000: *Provided*, That the limitation on the amount which may be expended under this head for temporary employment of persons or organizations by contract or otherwise without regard to section 3709 of the Revised Statutes or the civil service or classification laws is hereby increased to \$100,000.

Printing and binding.
53 Stat. 660.

Printing and binding: Not to exceed \$4,500 of the appropriation "Salaries and Expenses, Bureau of the Budget, 1940", may be transferred to the appropriation "Printing and Binding, Bureau of the Budget, 1940".

EXECUTIVE MANSION AND GROUNDS

Maintenance, etc.

Ante, p. 112.

Maintenance, Executive Mansion and Grounds: For an additional amount for the care, maintenance, and so forth, Executive Mansion and Grounds, fiscal year 1941, including the objects specified under this head in the "Independent Offices Appropriation Act, 1941", and expendable as therein specified, \$50,000.

AMERICAN NEGRO EXPOSITION

For carrying out the provisions of the Act entitled "An Act to authorize an appropriation to assist in defraying the expenses of the American Negro Exposition to be held in Chicago, Illinois, during 1940", approved May 24, 1940, \$75,000, to remain available until December 31, 1940.

American Negro Exposition.

Ante, p. 220.

FEDERAL LOAN AGENCY

FEDERAL HOUSING ADMINISTRATION

Renovation and modernization loans and insurance, Federal Housing Administration (allocation from Reconstruction Finance Corporation): The amount of the funds of the Reconstruction Finance Corporation made available by the Independent Offices Appropriation Act, 1941, to the Federal Housing Administration for the payment of losses under insurance granted under sections 2 and 6, title I, of the National Housing Act (48 Stat. 1246) is hereby increased by \$2,000,000.

Funds for payment of insurance losses, increase.

Ante, p. 121.

49 Stat. 1233; 53 Stat. 805.
12 U. S. C. § 1703; Supp. V, §§ 1703, 1706a.

FEDERAL HOUSING ADMINISTRATION, HOME OWNERS' LOAN CORPORATION, AND UNITED STATES HOUSING AUTHORITY

Transfer to National Bureau of Standards: Not to exceed \$50,000 of the amount made available for administrative expenses, Federal Housing Administration, \$50,000 of the amount made available for administrative expenses, Home Owners' Loan Corporation, and \$50,000 of the amount made available for administrative expenses, United States Housing Authority, in the Independent Offices Appropriation Act, 1941, may be transferred, upon request of the respective head of such agency, to the National Bureau of Standards to carry out specific projects of the transferring agency for studies of the properties and suitability of building materials, with particular reference to their use in low-cost and low-rent housing, including the construction of such experimental structures as may be necessary therefor, and for printing, binding, and disseminating the results of such studies.

Transfer of funds to National Bureau of Standards.
Ante, pp. 120, 122, 130.

FEDERAL SECURITY AGENCY

SOCIAL SECURITY BOARD

Selecting, testing, and placement of defense workers, Social Security Board: For all necessary expenses of the Social Security Board incurred under the supervision and direction of the Federal Security Administrator in providing special Federal assistance to and supervision of State employment services for the selection and testing for, and placement of workers in, occupations essential to the national defense, including personal services and rent in the District of Columbia and elsewhere, equipment and travel expenses, fiscal year 1941, \$2,000,000, of which not exceeding \$15,000 may be transferred by the Administrator to his office for use in carrying out the purposes of this appropriation: *Provided*, That in case any State employment service is found unable to render adequate service in connection with the fulfillment of this program, this appropriation shall be available subject to the approval of such Administrator, for the maintenance of special employment facilities and services.

Selecting, testing, and placement of defense workers.

Proviso.
Maintenance of special employment facilities, etc.

OFFICE OF EDUCATION

Vocational education of defense workers.
Post, p. 1033.

Courses included.

Administration expenses.

Duties of Commissioner.

Vocational education of defense workers, Office of Education: For payment to States, subdivisions thereof, or other public authorities, through certification from time to time made by the United States Commissioner of Education to the Secretary of the Treasury of the name of such agency and the amount to be paid, such payment to be made prior to audit and settlement by the General Accounting Office, for the cost of courses of less than college grade, provided by such agencies in vocational schools pursuant to plans submitted by such agencies and approved by the United States Commissioner of Education, which plans shall include courses supplementary to employment in occupations essential to the national defense and pre-employment refresher courses for workers preparing for such occupations selected from the public employment office registers; and (not exceeding 2 per centum of this appropriation) for administration expenses in carrying out the purposes hereof, including printing and binding and personal services in the District of Columbia and elsewhere, \$15,000,000. The duties of such Commissioner, in carrying out the purposes of this appropriation, shall be performed under the supervision and direction of the Federal Security Administrator, and such Administrator is hereby authorized to transfer not more than \$10,000 of the sum herein appropriated, to the Office of the Administrator for use in carrying out the purposes hereof.

FOOD AND DRUG ADMINISTRATION

Enforcement of Tea Importation Act.

29 Stat. 604.

Proviso.
Examination for importation.

Deposit of fee.

Enforcement of Tea Importation Act: For enabling the Federal Security Administrator to carry into effect the provisions of the Act approved March 2, 1897 (21 U. S. C. 41-50), entitled "An Act to Prevent the Importation of Impure and Unwholesome Tea", as amended, including payment of compensation and expenses of the members of the Board appointed under section 2 of the Act and all of the necessary officers and employees, both in Washington and in the field, fiscal year 1941, \$30,094: *Provided*, That on and after July 1, 1940, no tea, or merchandise described as tea, shall be examined for importation into the United States, or released by the Collector, under said Act unless the importer or consignee of such tea or merchandise, prior to such examination, has paid for deposit into the Treasury of the United States as miscellaneous receipts, a fee of 3.5 cents for each hundred weight or fraction thereof of such tea and merchandise.

FEDERAL WORKS AGENCY

PUBLIC BUILDINGS ADMINISTRATION

Public Buildings and Grounds, D. C.
Salaries and expenses.

53 Stat. 730.

Construction of public buildings outside D. C.

Salaries and expenses, Public Buildings and Grounds in the District of Columbia: For an additional amount for administration, protection, maintenance, and improvement of public buildings and grounds in the District of Columbia, maintained and operated by the Public Buildings Administration, Federal Works Agency, fiscal year 1940, including the same objects specified under this head in the Interior Department Appropriation Act, 1940, \$375,000.

Construction of public buildings outside the District of Columbia: The limits of cost of the following projects for the construction of public buildings outside of the District of Columbia heretofore authorized under the First Deficiency Appropriation Act, fiscal year 1936, approved June 22, 1936 (49 Stat. 1638), the Third Deficiency Appropriation Act, fiscal year 1937, approved August 25, 1937 (50 Stat. 773), and the Federal Public Buildings Appropriation Act of 1938,

approved June 21, 1938 (52 Stat. 818), are hereby increased by the amounts indicated after each project: San Francisco, California, appraisers stores and immigration station, \$575,000; Denver, Colorado, parcel-post building and garage, \$500,000; Stonington, Connecticut, post office, \$12,000; Athens, Georgia, post office and courthouse, \$190,000; Winnetka, Illinois, post office, \$27,000; Burlington, Iowa, post office, \$50,000; Kansas City, Kansas, post office and courthouse, \$200,000; Pikeville, Kentucky, courthouse, \$20,000; New Orleans, Louisiana, appraisers stores, \$350,000; Boston, Massachusetts (Roslindale station), post office, \$50,000; Boston, Massachusetts (Weymouth branch), post office, \$20,000; Stoneham, Massachusetts, post office, \$20,000; Moberly, Missouri, post office, and so forth, \$45,000; Teaneck, New Jersey, post office, \$40,000; Brooklyn, New York (Station "E"), post office, \$35,000; Brooklyn, New York (Station "S"), post office, \$30,000; New York, New York (Manhattanville station), post office, \$400,000; New York, New York (Tompkins Square station), post office, \$40,000; Cleveland, Ohio, Coast Guard headquarters, \$200,000; Cleveland, Ohio, garage, \$95,000; Gresham, Oregon, post office, \$20,000; Perkasia, Pennsylvania, post office, \$15,000; Philadelphia, Pennsylvania, garage, \$90,000; Westerly, Rhode Island, post office, \$30,000; Charleston, South Carolina, post office, \$60,000; Memphis, Tennessee, garage, \$45,000; Austin, Texas, post office (new), \$100,000; Gladewater, Texas, post office, \$25,000; Norfolk, Virginia, garage, \$50,000; Radford, Virginia, post office, and so forth, \$30,000; Spokane, Washington, post office, courthouse, and customhouse, \$100,000; Bluefield, West Virginia, post office and courthouse, \$50,000; and Martinsburg, West Virginia, post office and courthouse, \$90,000; and the total of \$130,000,000 authorized by the Federal Public Buildings Appropriation Act of 1938, approved June 21, 1938, to be appropriated for public-building construction projects outside of the District of Columbia, is hereby increased to \$133,500,000.

Marine Hospital, Savannah, Georgia: Not to exceed \$42,500 of the appropriation of \$15,000,000 for construction outside of the District of Columbia, contained in the Independent Offices Appropriation Act, 1941, is hereby made available for the purchase of the property now leased for a nurses' home at the Marine Hospital, Savannah, Georgia.

Appraisers Stores Building, Houston, Texas: The limit of cost of the Appraisers Stores Building Project at Houston, Texas, is hereby increased by \$75,000.

Social Security Board and Railroad Retirement Board Buildings: The limit of cost of \$14,250,000 for the acquisition of land and construction of buildings for the Social Security Board and the Railroad Retirement Board, established in the Second Deficiency Appropriation Act, fiscal year 1938 (52 Stat. 1153), is hereby increased to \$14,750,000, and the Federal Works Administrator, through the Commissioner of Public Buildings, is hereby authorized to negotiate with the contractor for the construction of said buildings for an addition to his contract, not to exceed \$500,000, to provide all the necessary facilities and means to expedite the completion of the said buildings prior to the date of completion established in said contract, and the amount of \$500,000 is hereby appropriated for the foregoing purpose.

PUBLIC WORKS ADMINISTRATION

Title II, cited as the "Public Works Administration Appropriation Act of 1938", of an Act entitled "Work Relief and Public Works Appropriation Act of 1938", approved June 21, 1938, is hereby amended as follows: Section 201 (a) is amended by changing "June 30, 1940" therein to "June 30, 1941"; section 201 (b) is amended by

15 U. S. C., Supp. V, ch. 16 (note), Projects.

52 Stat. 818, 15 U. S. C., Supp. V, ch. 16 (note).

Marine Hospital, Savannah, Ga.

Ante, p. 127.

Appraisers Stores Building, Houston, Tex.

Ante, p. 127.

Social Security Board and Railroad Retirement Board Buildings.

Ante, p. 127.

Addition to contract.

Public Works Administration Appropriation Act of 1938, amendment. 52 Stat. 816, 15 U. S. C., Supp. V, ch. 16 (note).

changing "June 30, 1940" therein to "June 30, 1941"; and section 202 is amended by changing "July 1, 1940" therein to "July 1, 1941".

WORK PROJECTS ADMINISTRATION

Emergency Relief
Appropriation Act,
fiscal year 1941,
amendment.
Ante, p. 612.

Subdivision (3) of subsection (b) of section 1 of the Emergency Relief Appropriation Act, fiscal year 1941, is hereby amended by inserting the following after the word "training": "for manual occupations in industries engaged in production for national defense purposes,".

GENERAL ANTHONY WAYNE MEMORIAL COMMISSION

Reappropriation.

53 Stat. 1305.

The unexpended balance on June 30, 1940, of the appropriation for the General Anthony Wayne Memorial Commission contained in the Third Deficiency Appropriation Act, fiscal year 1939, is hereby made available for the same purposes during the fiscal year 1941.

NATIONAL ARCHIVES

Transfer of funds.
Ante, pp. 139, 134.

There is hereby transferred from the appropriation, "Salaries and Expenses, Veterans' Administration, 1941", the sum of \$13,560, to the appropriation, "Salaries and Expenses, National Archives, 1941".

UNITED STATES GOLDEN GATE INTERNATIONAL EXPOSITION COMMISSION

Golden Gate Inter-
national Exposition.

50 Stat. 488.
Ante, p. 215.
Reappropriation.

For an additional amount for carrying into effect the provisions of the joint resolution providing for the participation of the United States in the world's fair to be held by the San Francisco Bay Exposition, Incorporated, in the city of San Francisco during the year 1939, approved July 9, 1937, as amended by joint resolution, approved May 14, 1940 (Public Resolution Numbered 71), \$200,000; and the unexpended balance of the appropriation heretofore made for carrying out such public resolution of July 9, 1937, is hereby reappropriated and consolidated with this appropriation and such consolidated sum shall be available for the payment of obligations under both public resolutions referred to in this paragraph and shall remain available until the termination of the Commission.

UNITED STATES MARITIME COMMISSION

Contracts.
50 Stat. 759.
53 Stat. 543.

49 Stat. 1985.
46 U. S. C., Supp.
V, ch. 27.

In addition to the contract authorizations of \$115,000,000 contained in the Third Deficiency Appropriation Act, fiscal year 1937, and \$230,000,000 in the Independent Offices Appropriation Act, 1940, the Commission is authorized to enter into contract for further carrying out the provisions of the Merchant Marine Act, 1936, as amended, in an amount not to exceed \$50,000,000.

UNITED STATES NEW YORK WORLD'S FAIR COMMISSION

New York World's
Fair.

50 Stat. 493.
Ante, p. 216.
Reappropriation.

For an additional amount for carrying into effect the provisions of the joint resolution authorizing Federal participation in the New York World's Fair, 1939, approved July 9, 1937, as amended by joint resolution, approved May 14, 1940 (Public Resolution Numbered 72), \$275,000; and the unexpended balance of the appropriation heretofore made for carrying out such public resolution of July 9, 1937, is hereby reappropriated and consolidated with this appropriation

and such consolidated sum shall be available for the payment of obligations under both public resolutions referred to in this paragraph and shall remain available until the termination of the Commission.

VETERANS' ADMINISTRATION

Hospital and domiciliary facilities: For an additional amount for hospital and domiciliary facilities, including the objects and subject to the limitations specified under this head in the Independent Offices Appropriation Act, 1941, approved April 18, 1940, \$1,000,000, to remain available until expended.

Hospital and domiciliary facilities.

Ante, p. 140.

The last paragraph under the heading "Veterans' Administration" in the Independent Offices Appropriation Act, 1941, is hereby amended by striking out the following: "That no part of this appropriation can be used for hospitalization or examination of persons other than veterans unless a reciprocal schedule of pay is in effect with the agency or department involved" and inserting in lieu thereof the following: "That no part of this appropriation shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans' Affairs".

Hospitalization, etc., restrictions.
Ante, p. 141.

DISTRICT OF COLUMBIA

DEPARTMENT OF INSPECTIONS

For completing the inspection of buildings, machinery, and equipment, including temporary personal services without reference to the civil service or classification laws, supplies, furniture, equipment, and other necessary expenses, fiscal year 1941, \$15,000.

Department of Inspections.
Ante, p. 307.

CORONER'S OFFICE

For an additional amount for the fiscal year 1940 for expenses, coroner's office, including the objects specified in the appropriation for this purpose in the District of Columbia Appropriation Act, fiscal year 1940, \$180.

Coroner's office.

53 Stat. 1006.

SURVEYOR'S OFFICE

For an additional amount for the fiscal year 1938 for completing the rebinding and repairing of record books in the office of the surveyor of the District of Columbia, showing properties in the District of Columbia, \$100.

Surveyor's office.

COMMISSION ON MENTAL HEALTH

For an additional amount for compensation of members of the Commission on Mental Health of the District of Columbia, and other personal services, including witness fees and mileage, fiscal year 1939, \$3.59.

Commission on Mental Health.

For an additional amount for the payment of fees of attorneys appointed by the court to represent alleged insane persons who are indigent, fiscal year 1939, \$100.

CONTINGENT AND MISCELLANEOUS

Printing and binding: For an additional amount for the fiscal year 1939 for printing and binding, subject to the condition specified under this appropriation in the District of Columbia Appropriation Act, 1939, \$243.65.

Printing and binding.

52 Stat. 161.

Reunion of United
Confederate Veterans.
Ante, p. 307; *post*, p.
1038.

Reunion of United Confederate Veterans: Not to exceed \$12,500 of the funds appropriated in the District of Columbia Appropriation Act, 1941, is hereby made available for expenditure by the Commissioners in connection with the reunion of United Confederate Veterans to be held in Washington during the calendar year 1940.

Judicial expenses.

Judicial expenses, District of Columbia: For an additional amount for the fiscal year 1940 for judicial expenses, including the objects and under the conditions and limitations applicable to the appropriation for this purpose in the District of Columbia Appropriation Act, fiscal year 1940, \$977.35.

53 Stat. 1008.

REFUND OF ERRONEOUS COLLECTIONS

Refund of erroneous
collections.
Ante, p. 313.

For an additional amount for the fiscal year 1940 for refund of erroneous collections, including the objects and under the conditions and limitations applicable to the appropriation for this purpose in the District of Columbia Appropriation Act, 1940, \$25,000, to remain available until June 30, 1941.

53 Stat. 1010.

For an additional amount for the fiscal year 1941 for refund of erroneous collections, including the objects and under the conditions and limitations applicable to the appropriation for this purpose in the District of Columbia Appropriation Act, 1941, \$170,000.

Ante, p. 313.

PUBLIC SCHOOLS

Administrative and
supervisory officers.
53 Stat. 1013.

Salaries: For an additional amount for personal services of administrative and supervisory officers in accordance with the Act fixing and regulating the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, approved June 4, 1924 (43 Stat. 367-375), including salaries of presidents of teachers colleges in the salary schedule for first assistant superintendents, fiscal year 1940, \$1,160.

7 D. C. Code §§ 31-
47; Supp. V, §§ 31-46.

For an addition amount for personal services of clerks and other employees, fiscal year 1940, \$1,170.

Clerks, etc.
53 Stat. 1013.

Teachers and librarians.

For an additional amount for the fiscal year 1940 for personal services of teachers and librarians, including the objects and under the limitations and conditions applicable to the appropriation for this purpose in the District of Columbia Appropriation Act, 1940, \$17,320.

53 Stat. 1013.

Equipment for
M. M. Washington
Vocational School.

Miscellaneous: For the purchase and installation of equipment at the M. M. Washington Vocational School, fiscal year 1940, \$19,776, to continue available until June 30, 1941.

METROPOLITAN POLICE

Expenses incident to
inaugural ceremonies,
1941.

Miscellaneous: For all expenses necessary to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from January 15 to January 26, 1941, in accordance with Public Resolution Numbered 64, Seventy-sixth Congress, approved April 22, 1940, including all the objects specified therein, fiscal year 1941, \$25,000.

Ante, p. 161.

HEALTH DEPARTMENT

Medical charities.

Medical charities: For an additional amount for care and treatment of indigent patients under contracts made by the health officer of the District of Columbia and approved by the Commissioners with the following institutions, respectively:

Children's Hospital.
Eastern Dispensary
and Casualty Hos-
pital.

Children's Hospital, fiscal year 1939, \$2,187.70;
Eastern Dispensary and Casualty Hospital, fiscal year 1939, \$16,948.30.

Gallinger Municipal Hospital: For the purchase of equipment for Ward Buildings Two and Three, fiscal year 1940, \$1,500, to continue available until June 30, 1941.

Gallinger Municipal Hospital.
Ante, p. 323.

COURTS

MUNICIPAL COURT

Jurors: For an additional amount for the fiscal year 1940 for compensation of jurors, under the conditions and limitations applicable to the appropriation for this purpose in the District of Columbia Appropriation Act, 1940, \$400.

Jurors.

53 Stat. 1023.

Expenses: For an additional amount for the fiscal year 1940 for contingent expenses, including the objects specified in the appropriation for this purpose in the District of Columbia Appropriation Act, 1940, \$350.

Contingent expenses.

53 Stat. 1024.

DISTRICT COURT OF THE UNITED STATES

Fees of jurors and witnesses: For an additional amount for the fiscal year 1938 for fees of jurors and witnesses, including the objects specified under this head in the District of Columbia Appropriation Act, 1938, \$18.90.

Fees of jurors and witnesses.

50 Stat. 378.

PUBLIC WELFARE

DIVISION OF CHILD WELFARE

Board and care of children: For an additional amount for the fiscal year 1940 for board and care of all children committed to the guardianship of the Board of Public Welfare by the courts of the District of Columbia, including the objects and under the limitations and conditions applicable to the appropriation for this purpose in the District of Columbia Appropriation Act, 1940, \$7,700.

Board and care of children.

53 Stat. 1024.

SUPPORT OF CONVICTS

For additional amounts for support, maintenance, and transportation of convicts transferred from District of Columbia, including the objects specified under this head in the District of Columbia Appropriation Acts for the following respective fiscal years:

Support, etc., of convicts.

For 1938, \$701.80;

50 Stat. 379.

For 1939, \$50,997.37.

52 Stat. 176.

NATIONAL TRAINING SCHOOL FOR BOYS

For additional amounts for care and maintenance of boys committed to the National Training School for Boys by the courts of the District of Columbia under a contract made by the Board of Public Welfare with the authorities of said National Training School for Boys for the following fiscal years:

National Training School for Boys.

For 1939, \$3,688.85.

52 Stat. 179.

For 1940, \$8,500.

53 Stat. 1026.

NATIONAL TRAINING SCHOOL FOR GIRLS

For an additional amount for the fiscal year 1940 for the National Training School for Girls, including the objects and under the limitations and conditions (except as to average per capita cost of maintenance) applicable to the appropriation under this head in the District of Columbia Appropriation Act, 1940, \$870, to continue available until June 30, 1941.

National Training School for Girls.

53 Stat. 1026.

SAINT ELIZABETHS HOSPITAL

Saint Elizabeths
Hospital.
53 Stat. 1029.

For an additional amount for support of indigent insane of the District of Columbia in Saint Elizabeths Hospital, as provided by law, fiscal year 1940, \$90,000.

REFUND OF ASSESSMENTS

Reappropriation.

50 Stat. 218.

Not to exceed \$553.60 of the unexpended balance of \$4,629.65 of the appropriation for refund of assessments, fiscal years 1937 and 1938, contained in the Second Deficiency Appropriation Act, fiscal year 1937, is hereby made available for the same purposes during the fiscal year 1941.

52 Stat. 1124.

Not to exceed \$79.08 of the unexpended balance of the appropriation for refund of assessments, fiscal years 1938 and 1939, contained in the Second Deficiency Appropriation Act, fiscal year 1938, is hereby made available for the same purposes during the fiscal year 1941.

SETTLEMENT OF CLAIMS AND SUITS

Frances Smith.
Payment to.

20 D. C. Code
§§ 103-106; Supp. V,
§ 103.

For payment of the claim of Frances Smith, approved by the Commissioners of the District of Columbia under and in accordance with the provisions of the Act entitled "An Act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia", approved February 11, 1929, as amended by the Act approved June 5, 1930 (45 Stat. 1160; 46 Stat. 500), \$400.

JUDGMENTS

Payment of judgments.

Proviso.
Virginia Machinery
and Well Co., Inc.

20 D. C. Code,
Supp. V, §§ 1587-1590.

For the payment of final judgments, including costs, rendered against the District of Columbia, as set forth in Senate Document Numbered 232 and House Document Numbered 791 of the Seventy-sixth Congress, \$12,665.01, together with the further sum to pay the interest at not exceeding 4 per centum per annum on such judgments, as provided by law, from the date the same became due until the date of payment: *Provided*, That the judgment in favor of the Virginia Machinery and Well Company, Incorporated, in the amount of \$2,620.67, without interest or costs, shall be paid from the appropriation 99-9948, Public Works, Loans by Federal Emergency Administration of Public Works, District of Columbia, and 70 per centum of such amount shall be reimbursed to the Federal Works Agency, Public Works Administration, in accordance with the provisions of the Act of June 25, 1934 (48 Stat. 1215).

AUDITED CLAIMS

Payment of claims.

18 Stat. 110.

For the payment of the following claims, certified to be due by the accounting officers of the District of Columbia, under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (31 U. S. C. 713), being for the service of the fiscal year 1937 and prior fiscal years:

Health Department, District of Columbia, 1937, services, \$39;
Sewers, District of Columbia, 1936, cleaning and repairing, \$3.30;
Sewers, District of Columbia, 1936, main and pipe, \$17.50;
Workhouse and Reformatory, District of Columbia, 1936, maintenance, \$948.78;
Extension, and so forth, of streets and avenues, gas-tax fund, District of Columbia, 1936, \$43.50;
Extension, and so forth, of streets and avenues, gas-tax fund,

District of Columbia, 1935, \$69.60;

Extension, and so forth, of streets and avenues, gas-tax fund, District of Columbia, 1934, \$6.24;

Police court, District of Columbia, 1935, witness fees, \$1.50;

Refunding taxes, District of Columbia, 1937, \$142.86;

Refunding taxes, District of Columbia, 1936, \$2,009.58;

Refund of assessments, District of Columbia, 1936-1937, \$330.97;

Contingent and miscellaneous expenses, 1936, judicial expenses, \$130.80;

Washington Aqueduct, District of Columbia, 1937, \$508.46;

Fees of jurors and witnesses, Supreme Court, District of Columbia, 1935, \$735.20;

Public schools, District of Columbia, 1937: Repairs and improvements to school buildings and grounds, \$1,100;

In all, audited claims \$6,087.29.

DIVISION OF EXPENSES

The foregoing sums for the District of Columbia, unless otherwise therein specifically provided, shall be paid out of the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed by the District of Columbia Appropriation Acts for the respective fiscal years for which such sums are provided.

Division of expenses.

DEPARTMENT OF AGRICULTURE

BUREAU OF PLANT INDUSTRY

Irrigation agriculture: For an additional amount for the fiscal year ending June 30, 1941, \$7,000, including the same objects specified under this head in the Department of Agriculture Appropriation Act, 1941, for continuation of the United States Yuma Field Station at Bard, California.

Irrigation agriculture.

Ante, p. 544.

Rubber investigations: To enable the Secretary of Agriculture to conduct investigations directed toward the development of rubber production in the Western Hemisphere, including production, breeding and disease research; surveys of potential rubber-producing areas; establishment and operation of experiment and demonstration stations in suitable locations; acquisition of land for such purposes; construction and equipment of necessary buildings; travel; purchase, maintenance, operation, and repair of motor-propelled and horse-drawn passenger-carrying vehicles; employment of guides, translators, and other assistants by contract or otherwise; medical services; books, periodicals, and newspapers; rent; printing; and for all other necessary expenses, including personal services and means in the District of Columbia and elsewhere, fiscal year 1941, \$500,000, to be immediately available and to remain available until expended: *Provided*, That the Secretary of Agriculture is authorized to transfer such sums as he may deem necessary to other Government agencies cooperating or assisting in such investigations.

Rubber investigations.

Proviso.
Transfer of funds to cooperating agencies.

FOREST SERVICE

Reconstruction and repair of roads and other improvements, national forests in California: For the reconstruction of roads, trails, bridges, and other improvements in the national forests in California, damaged or destroyed by floods in February and March 1940, fiscal year 1940, \$200,000, to remain available until December 31, 1940.

Repair of roads, etc., in national forests in California.

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

Japanese beetle control.
Ante, p. 551.

Japanese beetle control: For an additional amount for the control and prevention of spread of the Japanese beetle, fiscal year 1941, \$30,000.

Control of insect pests and plant diseases.
53 Stat. 962.
Ante, p. 86.
7 U. S. C., Supp. V, §§ 148-148e.

Control of incipient and emergency outbreaks of insect pests and plant diseases: For an additional amount to enable the Secretary of Agriculture to carry out the provisions of and for expenditures authorized by the joint resolution approved May 9, 1938 (52 Stat. 344), fiscal year 1940, \$800,000, to remain available until June 30, 1941: *Provided*, That no part of this sum allocated for expenditure in connection with the control and prevention of spread of the white-fringed beetle shall be used in any State without the request of the Governor of such State.

Proviso.
White-fringed beetle.

FEDERAL CROP INSURANCE

Subscriptions to capital stock.

Subscriptions to capital stock: For an additional amount for use by the Secretary of the Treasury at such times and in such amounts as the Federal Crop Insurance Corporation may request, for the purpose of subscribing to and paying for the capital stock of said Corporation, as provided for in section 504 of the Federal Crop Insurance Act, approved February 16, 1938, fiscal year 1941, \$20,000,000: *Provided*, That the payment for said stock shall be effected by transfer of funds on the books of the Treasury Department to the credit of the Corporation.

52 Stat. 72.
7 U. S. C., Supp. V, § 1504.

Proviso.
Payment for stock.

FEDERAL FARM MORTGAGE CORPORATION

Administrative expenses.

Salaries and expenses, Federal Farm Mortgage Corporation: The amount of the funds of the Federal Farm Mortgage Corporation made available for administrative expenses for the fiscal year 1941 by the Department of Agriculture Appropriation Act, fiscal year 1941, is hereby increased by \$1,700,000.

Ante, p. 569.

DEPARTMENT OF COMMERCE

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Departmental salaries and expenses.

Departmental salaries and expenses: For an additional amount for the fiscal year 1941 for salaries and other necessary expenditures of the Bureau of Foreign and Domestic Commerce at the seat of government, including the objects specified under this head in the Department of Commerce Appropriation Act, 1941, \$50,000, and the limitation specified under this head in said Act for personal services in the District of Columbia is hereby increased to \$1,375,000.

Ante, p. 193.

BUREAU OF MARINE INSPECTION AND NAVIGATION

Albert C. Crandall.
Payment to.

Salaries, Steamboat Inspection Service: For an additional amount for the fiscal year 1896 for payment of additional salary due Albert C. Crandall, 109 Saint Botolph Street, Boston, Massachusetts, for services rendered as an employee of the Treasury Department, Steamboat Inspection Service, during the period July 1, 1895, to June 30, 1896, inclusive, certified for payment by the Acting Comptroller General of the United States in certificate of settlement numbered 0575801 (claim number 0833558—Commerce), dated January 18, 1940, \$250.

Departmental salaries.
Ante, p. 195.

Departmental salaries: For an additional amount for personal services in the Bureau of Marine Inspection and Navigation in the District of Columbia, fiscal year 1941, \$40,640.

Salaries and general expenses: For an additional amount for payment of extra compensation for overtime services of local inspectors of steam vessels and their assistants, United States shipping commissioners and their deputies and assistants, and customs officers and employees, for which the United States receives reimbursements in accordance with the provisions of the Act of May 11, 1938 (46 U. S. C. 382b), fiscal year 1940, \$12,000.

Salaries and general expenses.
53 Stat. 911.

52 Stat. 345.
46 U. S. C., Supp. V, § 382b.
Salaries and general expenses.

Salaries and general expenses: For an additional amount for salaries and general expenses in the field service of the Bureau of Marine Inspection and Navigation, fiscal year 1941, including the objects specified under this head in the Department of Commerce Appropriation Act, 1941, \$218,720.

Ante, p. 195.

NATIONAL BUREAU OF STANDARDS

Optical glass plant: For enlarging the optical glass plant building at the National Bureau of Standards and for necessary additional equipment therefor, fiscal year 1941, \$100,000, to remain available until expended.

Optical glass plant.

Additional land: For an additional amount for the purchase of land as specified under this head in the Department of Commerce Appropriation Act, 1940, \$25,000, to remain available until June 30, 1941; and the amount of \$100,000 appropriated under this head in the Department of Commerce Appropriation Act, 1940, is hereby continued available until June 30, 1941.

Additional land.

53 Stat. 912.
Reappropriation.

COAST AND GEODETIC SURVEY

Salaries, office force: For an additional amount for personal services, fiscal year 1941, \$22,000.

Salaries, office force.
Ante, p. 198.

Office expenses: For an additional amount for the fiscal year 1941, including the objects specified under this head in the Department of Commerce Appropriation Act, 1941, \$18,000.

Office expenses.
Ante, p. 198.

Aeronautical charts: For an additional amount for compilation and printing of aeronautical charts, fiscal year 1941, including the objects specified under this head in the Department of Commerce Appropriation Act, 1941, \$95,000, of which not to exceed \$43,420 may be expended for personal services in the District of Columbia.

Aeronautical charts.

Ante, p. 199.

Construction of vessels: For construction of one main surveying ship and one auxiliary surveying vessel for the Coast and Geodetic Survey, as authorized by the Act of June 2, 1939 (53 Stat. 803), including travel and other expenses incident thereto and necessary therefor, \$1,425,000.

Construction of vessels.

WEATHER BUREAU

The appropriations for the Weather Bureau for the fiscal year 1941 shall be available (1) for packing, crating, and transportation, including drayage, of personal effects of employees (not exceeding five thousand pounds in any one case) upon permanent change of station, under regulations to be prescribed by the Secretary of Commerce, and (2) for necessary expenses (not to exceed \$7,000) of attendance at meetings concerned with the work of said Bureau when authorized by the Secretary of Commerce.

Transportation of employees' personal effects.
Ante, p. 538.

Attendance at meetings.

Observations, warnings, and general weather service: For an additional amount for establishing and maintaining a forecast district for New England, fiscal year 1941, including the same objects specified under the head "General weather service and research" in the Department of Agriculture Appropriation Act, 1940, \$50,000.

Establishment of forecast district for New England.

53 Stat. 947.

DEPARTMENT OF THE INTERIOR

OFFICE OF THE SECRETARY

Printing and binding.

Printing and binding, Department of the Interior: For an additional amount for printing and binding for the Department of the Interior, fiscal year 1937, \$110.

GENERAL LAND OFFICE

Registers.

Registers: For an additional amount for salaries and commissions of registers of district land offices, fiscal year 1938, \$57.85.

BUREAU OF INDIAN AFFAIRS

Purchase, etc., of Indian supplies.

Purchase and transportation of Indian supplies: For additional amounts for expenses of purchase and transportation of goods and supplies for the Indian Service for the following fiscal years:

For 1936, \$1,500;

For 1937, \$600;

For 1938, \$30,000;

For 1939, \$160,000.

Wind River Reservation, Wyo.
Purchase of land.
25 U. S. C., Supp. V, § 573.

Purchase of land, Wind River Reservation, Wyoming (tribal funds): Not to exceed \$150,000 of the amount authorized by section 3 of the Act of July 27, 1939 (53 Stat. 1130), to be expended from the tribal funds of the Shoshone Indians, Wyoming, is hereby made available for the purchase within Hot Springs County, Wyoming, of lands or interests therein, together with improvements thereon, including water rights or surface rights to lands, located outside the ceded portion of the Wind River Reservation but adjacent thereto, and owned by holders of grazing permits covering undisposed of surplus or ceded lands within said portion of the reservation, such purchases to be made subject to the provisions of section 6 of the Act of July 27, 1939, *supra*.

25 U. S. C., Supp. V, § 576.

Construction and repair, Alaska.

53 Stat. 711.

Construction and repair: For an additional amount for construction and repair, Alaska, hospital and quarters, fiscal year 1940, including the same objects specified under this head in the Interior Department Appropriation Act, 1940, \$20,000.

Quinaliet Reservation, Wash., attorneys.

Ante, p. 48.

Compensation of attorneys, Quinaliet Reservation, Washington: For payment to the attorneys of record for certain Quinaliet Indians, in accordance with the provisions of the Act of March 9, 1940 (Public, Numbered 430, Seventy-sixth Congress), fiscal year 1940, \$20,107.16, to remain available until June 30, 1941.

Osage Indians, Okla., attorneys.

Compensation of attorneys, Osage Indians, Oklahoma (tribal funds): For compensation of an attorney or attorneys for the Osage Indians employed under a contract approved by the Secretary of the Interior on February 18, 1938, \$25,000, payable from funds on deposit to the credit of the Osage Indians.

Menominee Indians in Wisconsin.
Per capita payments.

Menominee Indians in Wisconsin: The Secretary of the Interior is hereby authorized and directed to withdraw from the Treasury of the United States during the fiscal year ending June 30, 1941, the sum of \$105,000 of any funds on deposit to the credit of the Menominee Indians in Wisconsin, and to expend such sum, or as much thereof as may be necessary, for making a per capita payment of \$50 to each enrolled member of the Menominee Tribe, such per capita payments to be made in two equal monthly installments during July and September 1940: *Provided*, That such per capita payment shall be in lieu of the payments authorized by the Act of June 15, 1934 (48 Stat. 964), for the fair market stumpage value of timber cut on the Menominee Reservation during the fiscal years 1940 and 1941: *Provided further*, That the amounts expended for making such per capita payment shall be reimbursed to the tribal funds utilized

Provisos.
In lieu of timber payments.

Reimbursement.

therefor from sums that would otherwise be paid such Indians pursuant to the Act of June 15, 1934, *supra*.

BUREAU OF FISHERIES

Inquiry respecting food fishes: For an additional amount for inquiry into the cause of the decrease in food fishes in the waters of the United States, and for investigations, and experiments in respect to the aquatic animals, fiscal year 1941, including the objects specified under this head in the Interior Department Appropriation Act, 1941, \$7,500, of which amount not to exceed \$3,200 may be expended for personal services.

Inquiry respecting food fishes.

Ante, p. 456.

Alaska crab investigation: For salaries and all other necessary expenses of the Bureau of Fisheries in conducting for one year a technical, economic, and biological investigation of the king-crab fishery off the coast of Alaska, locating the areas of abundance, and carrying on experiments to develop improved methods of taking and canning king crabs, including the charter of fishing and cannery vessels with or without officers and crews and without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); purchase of fuel, oil, rubber boots, oilskins, rubber and canvas gloves, nets, fishing gear, tin cans and liners, packing cases, chemicals, and first-aid outfits; rental of canning machinery; traveling expenses; provisions and rations or commutation thereof (not to exceed \$1 per man per day) for vessel officers and crews, and money accruing from commutation of rations and provisions may be paid on proper vouchers to the persons having charge of the mess of such vessels, fiscal year 1941, \$100,000, to be immediately available: *Provided*, That the Secretary of the Interior is hereby authorized to dispose, by public sale, of the manufactured products resulting from this investigation, and moneys derived from such sales shall be covered into the Treasury of the United States as miscellaneous receipts: *Provided further*, That employees engaged in this investigation may be appointed without regard to the civil-service laws and regulations or the Classification Act of 1923, as amended.

Alaska crab investigation. Salaries and expenses.

Provisos.
Sale of manufactured products.

Appointments.
42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Propagation of food fishes: The limitation of \$468,890 for pay of permanent employees, contained under the heading "Bureau of Fisheries, propagation of food fishes", in the Interior Department Appropriation Act, 1941, is hereby increased to \$474,130.

Propagation of food fishes.

Ante, p. 455.

DIVISION OF TERRITORIES AND ISLAND POSSESSIONS

For expenses of the Division of Territories and Island Possessions in the investigation and survey of natural resources of the land and sea areas of the Antarctic regions, including personal services in the District of Columbia and elsewhere without regard to the civil-service laws or the Classification Act of 1923, as amended, or by contract, if deemed necessary, without regard to the provisions of section 3709 of the Revised Statutes, rent, traveling expenses, purchase of necessary books, documents, newspapers and periodicals, stationery, hire of automobiles, purchase of equipment, supplies and provisions, and all other necessary expenses, fiscal year 1941, \$171,000: *Provided*, That fuel, repairs, and emergency supplies to be paid for out of this appropriation may be contracted for in foreign ports.

Survey, etc., of Antarctic regions. Expenses.

42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Proviso.
Contracts for fuel, etc., in foreign ports.

NATIONAL PARK SERVICE

Investigation and purchase of water rights: The unexpended balance of the appropriation for the investigation and establishment of water rights contained in the Interior Department Appropriation Act for the fiscal year 1940 is continued available for the same purposes until June 30, 1941.

Investigation and purchase of water rights.
Ante, p. 451.

53 Stat. 730.

HOWARD UNIVERSITY

General expenses.

53 Stat. 737.

General expenses: For an additional amount for general expenses, Howard University, fiscal year 1940, including the same objects specified under this head in the Interior Department Appropriation Act, 1940, \$7,000.

DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

Personal services.
Ante, p. 200.

For personal services in the District of Columbia, as follows:
For an additional amount for salaries, Administrative Division, fiscal year 1941, \$75,000;
For an additional amount for salaries, Criminal Division, fiscal year 1941, \$25,000.

Contingent ex-
penses.*Ante*, p. 200.

Contingent expenses: For an additional amount for contingent expenses, Department of Justice, 1941, including the objects and subject to the limitations specified under this head in the Department of Justice Appropriation Act, 1941, \$20,000.

Traveling expenses.

Traveling expenses: For an additional amount for traveling expenses, Department of Justice, including the same objects specified under this head in the Department of Justice Appropriation Acts, for the fiscal years that follow:

53 Stat. 897.

Ante, p. 87.*Ante*, p. 200.

Printing and binding.

53 Stat. 897.

Ante, p. 200.

For 1940, \$10,000;
For 1941, \$15,000.
Printing and binding: For an additional amount for printing and binding, Department of Justice, for the fiscal years that follow:
For 1940, \$21,500;
For 1941, \$12,500.

FEDERAL BUREAU OF INVESTIGATION

Salaries and ex-
penses, detection, etc.,
of crimes (emergency).*Ante*, p. 201.*Proviso*.

Availability.

Post, p. 670.

Salaries and expenses, detection and prosecution of crimes (emergency): For an additional amount for salaries and expenses in the District of Columbia and elsewhere, during the national emergency, in the detection and prosecution of crimes against the United States, and so forth, fiscal year 1941, including the objects and for the purposes specified under this head in the Department of Justice Appropriation Act, 1941, \$500,000: *Provided*, That this appropriation shall not become available unless and until H. R. 5138, Seventy-sixth Congress, is enacted into law.

Claims for damages.
Ante, p. 88.

Claims for damages: For the payment of claims for damages to any person or damages to or loss of privately owned property caused by employees of the Federal Bureau of Investigation, acting within the scope of their employment, considered, adjusted, and determined by the Attorney General, under the provisions of the Act entitled "An Act to provide for the adjustment and settlement of certain claims arising out of the activities of the Federal Bureau of Investigation", approved March 20, 1936 (5 U. S. C. 300b), as fully set forth in House Document Numbered 756, Seventy-sixth Congress, \$657.39.

49 Stat. 1184.
5 U. S. C., Supp. V,
§ 300b.

MISCELLANEOUS OBJECTS, DEPARTMENT OF JUSTICE

Taxes and Penalties
Unit.

49 Stat. 1323.

Taxes and Penalties Unit: For an additional amount for salaries and expenses of the Taxes and Penalties Unit, Department of Justice, including the same objects specified under this head in the Department of Justice Appropriation Act, 1937, \$124.23.

Miscellaneous sala-
ries and expenses,
field.*Ante*, p. 209.

Miscellaneous salaries and expenses, field: The sum of \$57,350 is hereby transferred from the appropriation "Miscellaneous Salaries, United States Courts, 1941", contained in the Judiciary Appropria-

tion Act, 1941, to the appropriation "Miscellaneous Salaries and Expenses, Field, Department of Justice, 1941", and the amount which may be expended from the latter appropriation for salaries not otherwise specifically provided for is increased from \$110,000 to \$170,000.

Ante, p. 203.

Lands Division: For an additional amount, fiscal year 1941, for personal services in the District of Columbia and elsewhere, including the same objects specified under this head in the Department of Justice Appropriation Act, 1941, \$500,000.

Lands Division.

Ante, p. 203.

Salaries and expenses of district attorneys, and so forth: For an additional amount for salaries and expenses of United States district attorneys, and so forth, fiscal year 1941, including the objects specified under this head in the Department of Justice Appropriation Act, 1941, \$72,500.

District attorneys, etc.

Ante, p. 203.

Salaries and expenses of marshals, and so forth: For an additional amount for salaries and expenses of marshals, and so forth, Department of Justice, 1941, including the objects and under the conditions specified under this head in the Department of Justice Appropriation Act, 1941, \$250,000.

Marshals, etc.

Ante, p. 204.

PENAL AND CORRECTIONAL INSTITUTIONS

Penitentiaries and reformatories: For an additional amount for maintenance and operation of United States penitentiaries and reformatories, fiscal year 1940, including the same objects specified under this head in the Department of Justice Appropriation Act, 1940, \$75,000.

Penitentiaries and reformatories.

53 Stat. 901.

Jails and correctional institutions: For an additional amount for maintenance and operation of Federal jails and correctional institutions, fiscal year 1940, including the same objects specified under this head in the Department of Justice Appropriation Act, 1940, \$85,000.

Jails and correctional institutions.
Ante, p. 88.

53 Stat. 901.

Support of United States prisoners: For an additional amount for support of United States prisoners in non-Federal institutions and in the Territory of Alaska, fiscal year 1940, including the same objects specified under this head in the Department of Justice Appropriation Act, 1940, \$340,000.

Support of U. S. prisoners.

53 Stat. 902.

IMMIGRATION AND NATURALIZATION SERVICE

Salaries, office of Commissioner: Departmental salaries: For an additional amount for the Commissioner and other personal services in the District of Columbia, fiscal year 1941, \$100,000.

Salaries, office of Commissioner; Departmental.
Ante, p. 576.

Salaries and expenses, Immigration and Naturalization Service (Alien Registration): For salaries and expenses in conducting and maintaining a national registration of aliens, including such investigation of matters relating to alien registration as may be directed by the Attorney General, pursuant to the provisions of H. R. 5138, Seventy-sixth Congress, as finally enacted, including personal services and rentals in the District of Columbia and elsewhere; stationery, furniture and repairs, floor coverings, file holders and cases; purchase, exchange, or rental of punching, tabulating, sorting, and other labor-saving machines, including technical, mechanical, and other services in connection therewith; traveling expenses, including the attendance at meetings concerned with the purposes of this appropriation; miscellaneous expenditures, including telegraphing and telephones, postage, labor, purchase and rental of typewriters and adding machines and the exchange thereof and repairs thereto, street car fares, and press clippings; purchase, including exchange, and hire, maintenance and operation of motor-propelled passenger-carrying

Salaries and expenses.
Alien Registration.

Post, p. 670.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.
Provisos.
Reimbursement to
cooperating agencies,
etc.

Availability.

Post, p. 670.

Salaries, field service.

Ante, p. 576.

General expenses.

Ante, p. 577.

Maintenance, etc.,
of aircraft.

Contingent expenses.

Ante, p. 574.

Traveling expenses.

Ante, p. 575.

Printing and binding.

Ante, p. 575.

vehicles; printing and binding and all other contingent expenses in the District of Columbia and in the field, fiscal year 1941, \$3,000,000, of which not to exceed \$60,000 may be expended for personal services without regard to the Civil Service Laws or the Classification Act of 1923, as amended: *Provided*, That the Attorney General may transfer to, or reimburse, any other department, agency, or office of the Federal, State, or local Governments, funds in such amounts as may be necessary for salaries and expenses incurred by them in rendering authorized assistance to the Department of Justice in connection with conducting and maintaining the registration of aliens: *Provided further*, That this appropriation shall not become available unless and until H. R. 5138, Seventy-sixth Congress, is enacted into law.

Salaries, field service: For an additional amount for salaries of field personnel of the Immigration and Naturalization Service, fiscal year 1941, including the objects, conditions, and limitations specified under this head in the Department of Labor Appropriation Act, 1941, \$1,718,050.

General expenses (other than salaries): For an additional amount for expenses of the Immigration and Naturalization Service, 1941, including the objects and under the conditions specified under this head in the Department of Labor Appropriation Act, 1941, and including maintenance and operating expenses of aircraft, \$446,800, of which amount not to exceed \$114,600 may be expended for the purchase, including exchange, of motor-propelled passenger-carrying vehicles, and not to exceed \$45,000 for the procurement, including exchange, of aircraft.

Contingent expenses: For contingent expenses, Immigration and Naturalization Service, fiscal year 1941, in addition to the sum of \$69,850 included for this purpose in the appropriation "Contingent Expenses, Department of Labor", in the Department of Labor Appropriation Act, 1941, \$5,150.

Traveling expenses: For traveling expenses, Immigration and Naturalization Service, fiscal year 1941, in addition to the sum of \$164,200 included for this purpose in the appropriation "Traveling Expenses, Department of Labor", in the Department of Labor Appropriation Act, 1941, \$20,000.

Printing and binding: For printing and binding, Immigration and Naturalization Service, fiscal year 1941, in addition to the sum of \$51,000 included for this purpose in the appropriation "Printing and Binding, Department of Labor", in the Department of Labor Appropriation Act, 1941, \$10,000.

THE JUDICIARY

UNITED STATES SUPREME COURT

Miscellaneous expenses.
53 Stat. 903.

Miscellaneous expenses: For an additional amount for miscellaneous expenses of the Supreme Court of the United States, to be expended as the Chief Justice may approve, fiscal year 1940, \$1,000.

UNITED STATES COURTS

Fees of commissioners.
Ante, p. 209.

49 Stat. 1327.

Fees of commissioners: For an additional amount for the fiscal year 1941 for fees of United States Commissioners and other committing magistrates acting under section 1014, Revised Statutes (18 U. S. C. 591), including fees and expenses of conciliation commissioners, United States courts, including the objects and subject to the conditions specified for such fees and expenses of conciliation commissioners in the Department of Justice Appropriation Act,

1937, \$50,000, together with the unexpended balance of the appropriation for conciliation commissioners, United States courts, for the fiscal year ending June 30, 1940.

Fees of jurors: The Secretary of the Treasury, upon request of the Director of the Administrative Office of the United States Courts and with the consent of the Attorney General, is hereby authorized to transfer an amount not to exceed \$55,000 from the unexpended balance of the appropriation "Fees of Jurors and Witnesses, United States Courts, 1939", to the appropriation "Fees of Jurors, United States Courts, 1940".

Miscellaneous expenses (other than salaries): For an additional amount for the fiscal year 1940, for such miscellaneous expenses of the United States courts as may be authorized or approved by the Director of the Administrative Office of the United States Courts, including the same objects and subject to the same conditions pertaining to said courts specified under this head in the Department of Justice Appropriation Act, 1940, \$64,180.

Traveling expenses: For an additional amount for the fiscal year 1940 for traveling expenses, not otherwise provided for, incurred by the Judiciary, \$38,300.

Reappropriation.

Fees of jurors.

52 Stat. 268.

53 Stat. 905.

Miscellaneous ex-
penses.

53 Stat. 906.

Traveling expenses.
53 Stat. 897.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Miscellaneous expenses: The appropriation "Miscellaneous Expenses, Administrative Office of the United States Courts", contained in the Judiciary Appropriation Act, 1941, is hereby made available in such amounts (not to exceed a total of \$8,700) as may be necessary and approved by the Director of the Administrative Office of the United States Courts, for transfer to the appropriation "Care of Supreme Court Building and Grounds, 1941" and expenditure by the Architect of the Capitol, for structural changes, alterations, and installations of fixtures in the Supreme Court Building, necessary for the accommodation of the Administrative Office of the United States Courts in such building.

Miscellaneous ex-
penses.

Ante, p. 211.

Ante, p. 207.
Alterations, etc., Su-
preme Court Build-
ing.

DEPARTMENT OF LABOR

DIVISION OF LABOR STANDARDS

Salaries and expenses, Division of Labor Standards: Not to exceed \$1,472 of the unexpended balance of the appropriation "Salaries and expenses, Division of Labor Standards, Department of Labor, 1939", may be used for personal services by contract without regard to section 3709 of the Revised Statutes in connection with the preparation of a handbook on Federal labor laws.

Salaries and ex-
penses.
Handbook on Fed-
eral labor laws.
52 Stat. 285.

41 U. S. C. § 5.

Salaries and Expenses, Division of Labor Standards: For an additional amount, fiscal year 1941, for salaries and expenses, Division of Labor Standards, to be used exclusively for the promotion of an apprenticeship program, in addition to such sums as may be expended from the regular annual appropriation for 1941 for this purpose, including the objects specified under this head in the Department of Labor Appropriation Act, 1941, \$120,000, from which amount transfers may be made to other appropriations for the Department of Labor, 1941, as follows: \$1,750 to Contingent Expenses, \$15,875 to Traveling Expenses, \$500 to Printing and Binding; and the limitation on the amount which may be expended under this head for personal services in the District of Columbia is hereby increased to \$184,200.

Apprenticeship pro-
gram.

Ante, p. 575.

Transfer of funds.

Ante, pp. 574, 575.

BUREAU OF LABOR STATISTICS

Salaries and ex-
penses. Occupational out-
look surveys.

Ante, p. 576.

Transfer of funds.

Ante, pp. 574, 575.

Salaries and Expenses: For an additional amount, fiscal year 1941, for salaries and expenses, Bureau of Labor Statistics, to be used exclusively for occupational outlook surveys in addition to such sums as may be expended from the regular annual appropriations for this purpose, including the objects specified under this head in the Department of Labor Appropriation Act, 1941, \$75,000, from which transfers may be made to other appropriations for the Department of Labor, 1941, as follows: \$9,500 to Contingent Expenses; \$6,000 to Travel Expenses; \$1,000 to Printing and Binding; and the limitation on the amount which may be expended under this head for personal services in the District of Columbia is hereby increased by the sum of \$58,500.

NAVY DEPARTMENT

OFFICE OF THE SECRETARY

Naval petroleum re-
serves.

Ante, p. 267.

41 Stat. 813.

34 U. S. C. § 524;
Supp. V, § 524.

53 Stat. 759.

Collision damage
claims.

Ante, p. 89.

42 Stat. 1066.

34 U. S. C. § 599.

Operation and conservation of naval petroleum reserves: For an additional amount to enable the Secretary of the Navy to carry out the provisions contained in the Act approved June 4, 1920 (34 U. S. C. 524), requiring him to conserve, develop, use, and operate the naval petroleum reserves, including the same objects specified under this head in the Naval Appropriation Act, fiscal year 1940, \$15,000, and to remain available until June 30, 1941.

Claims for damages by collision with naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the Act entitled "An Act to amend the Act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels", approved December 28, 1922, as fully set forth in House Document Numbered 758, Seventy-sixth Congress, §170.

BUREAU OF AERONAUTICS

Aviation, Navy,
1938.

50 Stat. 111.

Aviation, Navy, 1938: Not to exceed \$8,158,768 of the appropriation "Aviation, Navy, 1938", contained in the Naval Appropriation Act for the fiscal year 1938, shall continue available until June 30, 1941, for the payment of obligations incurred under contracts executed prior to September 30, 1938.

MARINE CORPS

General expenses.

Ante, p. 285.

Purchase of rifles.

53 Stat. 776.

Ante, p. 32.

Marine Band, ex-
penses.

Ante, p. 598.

General expenses, Marine Corps: Not to exceed a total of \$693,960 of the unobligated balances on June 30, 1940, of the total amounts appropriated under this head in the Act entitled "An Act making appropriations for the Navy Department and naval service for the fiscal year ending June 30, 1940, and for other purposes", approved May 25, 1939, and in the Emergency Supplemental Appropriation Act, 1940, approved February 12, 1940, shall continue available for obligation until June 30, 1941, for the purchase of rifles.

For expenses of the United States Marine Band in attending the Convention of the Grand Army of the Republic to be held at Springfield, Illinois, September 8 to 13, 1940, as authorized by H. R. 9296, Seventy-sixth Congress, Public, Numbered —, approved June —, 1940, fiscal year 1941, \$6,900.

POST OFFICE DEPARTMENT

OUT OF THE POSTAL REVENUES

OFFICE OF THE FIRST ASSISTANT POSTMASTER GENERAL

Clerks, first- and second-class post offices: For an additional amount for compensation to clerks and employees at first- and second-class post offices, and so forth, including the same objects specified under this head in the Post Office Department Appropriation Act, 1940, fiscal year 1940, \$6,000,000 and, in addition, the sum of \$500,000 which is hereby transferred to this appropriation from the appropriation "Star Route Service, 1940".

Clerks, first- and second-class post offices.

53 Stat. 677.

53 Stat. 678.

City delivery carriers: For an additional amount for pay of letter carriers, City Delivery Service, fiscal year 1940, \$5,500,000.

City delivery carriers.
53 Stat. 677.

Domestic air-mail service: For an additional amount for the inland transportation of mail by aircraft, and so forth, including the same objects and subject to the same conditions specified under this head in the Post Office Department Appropriation Act, 1941, \$625,000.

Domestic air-mail service.

Ante, p. 73.

Foreign air-mail transportation: For an additional amount for transportation of foreign mails by aircraft, as authorized by law, fiscal year 1941, \$173,000.

Foreign air-mail transportation.
Ante, p. 73.

The Postmaster General is hereby authorized to incur obligations for the transportation of mail by aircraft during the fiscal year 1941 between Seattle, Washington, and Juneau, Alaska, via Ketchikan, Alaska, and the appropriation "Foreign air-mail transportation, 1941", is hereby made available for payment of such obligations.

Air-mail service between Seattle, Wash., and Juneau, Alaska.

Ante, p. 73.

OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL

Railroad transportation and mail-messenger service: For inland transportation by railroad routes, and so forth, including the same objects and subject to the same conditions specified under this head in the Post Office Department Appropriation Act, 1940, \$7,000,000.

Railroad transportation, etc., service.

53 Stat. 678.

MISCELLANEOUS

The Comptroller General of the United States is hereby authorized and directed to transfer from such appropriations contained in the Post Office Department Appropriation Act, 1940, having unobligated balances, such amounts as the Postmaster General shall recommend to certain other appropriations in amounts not to exceed in the aggregate the amounts specified as follows: To "Salaries, Office of First Assistant Postmaster General, 1940", \$13,000; to "Payment of Rewards, 1939", \$6,800; to "Special-Delivery Fees, 1939", \$22,000; to "Special-Delivery Fees, 1940", \$675,000; to "Contract Air Mail Service, 1936", \$75,000; to "Contract Air Mail Service, 1937", \$81,000; to "Contract Air Mail Service, 1938", \$84,000; to "Domestic Air Mail Service, 1940", \$525,000; to "Foreign Air Mail Transportation, 1940", \$130,000; to "Power-Boat Service, 1940", \$50,000; to "Railway Mail Service, Salaries, 1940", \$600,000; to "Railway Postal Clerks, Traveling Allowances, 1940", \$100,000; and to "Manufacture and Distribution of Stamps and Stamped Paper, 1940", \$250,000: *Provided*, That the limitations contained in the appropriation "Domestic Air Mail Service, 1940", on the amounts that may be expended for supervisory officials and clerks at air-mail transfer points, and for personal services in the District of Columbia, are hereby increased to \$39,500 and \$54,500, respectively: *Provided further*, That \$7,500 of the appropriation "Foreign Mail Transportation, 1941" is hereby made available, and shall remain available until June 30, 1942, for expenses of dele-

Transfer of funds.

53 Stat. 675.

Proviso.
Domestic Air Mail Service.

Expenses of delegates to designated Congress.
Ante, p. 74.

gates designated from the Post Office Department by the Postmaster General to the Fifth Congress of the Postal Union of the Americas and Spain, to be expended in the discretion of the Postmaster General and accounted for on his certificate notwithstanding the provisions of any other law.

DEPARTMENT OF STATE

OFFICE OF THE SECRETARY OF STATE

Salaries.

Salaries: For an additional amount for "Salaries, Department of State, 1941", including the same objects and under the same limitations specified under this head in the Department of State Appropriation Act, 1941, \$50,000.

Ante, p. 181.

FOREIGN INTERCOURSE

Contingent expenses, Foreign Service.

Contingent expenses, Foreign Service: The limitation of \$35,000 on the amount which may be expended during each of the fiscal years 1940 and 1941, for reimbursement of appropriations for the Navy Department for the purposes specified in the last proviso contained under this head in the Department of State Appropriation Acts for 1940 and 1941, is increased to \$40,000.

53 Stat. 889.
Ante, p. 189.

Emergencies, Diplomatic and Consular Service.

Ante, p. 186.

Emergencies arising in the Diplomatic and Consular Service: For an additional amount to enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the Neutrality Act, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U. S. C. 107), fiscal year 1941, \$1,000,000; of which \$50,000 shall, in the discretion of the President, be available for personal services in the District of Columbia.

Ante, p. 12.
22 U. S. C., Supp. V,
§§ 245j-245j-19.

INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND MEXICO

Rio Grande canalization project.

Rio Grande canalization project: For an additional amount for Rio Grande canalization, Department of State, including the reconstruction or replacement of certain bridges over the Rio Grande within the Rio Grande canalization project, as authorized by and subject to the provisions of the Act approved April 22, 1940 (Public, Numbered 472, Seventy-sixth Congress), fiscal year 1941, to remain available until expended, \$310,000.

Ante, p. 151.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND GREAT BRITAIN

Salaries and expenses.

Salaries and expenses: For an additional amount for salaries and expenses, International Joint Commission, United States and Great Britain, fiscal year 1941, including the objects specified under the appropriation for such purpose in the State Department Appropriation Act, 1941, and including also the salary of one Commissioner on the part of the United States, notwithstanding the provision to the contrary contained in such Act, who shall serve at the pleasure of the President, \$7,500.

Ante, p. 190.

Commissioner.

MISCELLANEOUS INTERNATIONAL CONGRESSES, CONFERENCES, AND COMMISSIONS

Mixed Claims Commission, U. S. and Germany.

49 Stat. 1631.

Mixed Claims Commission, United States and Germany: For the Mixed Claims Commission, United States and Germany, fiscal year 1941, including the objects specified under this head in the First Deficiency Appropriation Act, fiscal year 1936, \$15,500.

Arbitration of smelter fumes controversy, United States and Canada: For an additional amount for completing the arbitration of smelter fumes controversy, United States and Canada, fiscal year 1940, including the same objects specified under this head in the Department of State Appropriation Act, 1937, \$10,000, to remain available until June 30, 1941.

Arbitration of smelter fumes controversy.

49 Stat. 1319.

Meeting of Treasury Representatives, Quito, Ecuador: For the expenses of participation by the Government of the United States in the Meeting of Treasury Representatives, to be held at Quito, Ecuador, fiscal year 1941, including personal services in the District of Columbia or elsewhere; travel expenses; communication services; stenographic reporting, translating, and other services by contract if deemed necessary; local transportation; equipment; transportation of things; rent; printing and binding; entertainment; official cards; purchase of newspapers, periodicals, books, and documents; stationery; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, \$3,000.

Meeting of Treasury Representatives, Quito, Ecuador.

Reimbursements.

Ninth International Seed Testing Congress: The unexpended balance of the appropriation "Ninth International Seed Testing Congress contained in the Department of State Appropriation Act, 1940, is continued available for the same purposes until June 30, 1941.

Ninth International Seed Testing Congress.

53 Stat. 806.

Eighth Pan American Child Congress, San Jose, Costa Rica: The unexpended balance of the appropriation "Eighth Pan American Child Congress, San Jose, Costa Rica", contained in the Urgent Deficiency and Supplemental Appropriation Act, fiscal years 1939 and 1940, is continued available for the same purposes until June 30, 1941.

Eighth Pan American Child Congress, San Jose, Costa Rica.

53 Stat. 987.

International Committee on Political Refugees: The unexpended balance of the appropriation "International Committee on Political Refugees" contained in the Urgent Deficiency and Supplemental Appropriation Act, fiscal years 1939 and 1940, is continued available for the same purposes until June 30, 1941.

International Committee on Political Refugees.

53 Stat. 988.

International Monetary and Economic Conference, 1933-1940, and General Disarmament Conference, Geneva, Switzerland, 1933-1940: The unexpended balances of the appropriations "International Monetary and Economic Conference" and "General Disarmament Conference, Geneva, Switzerland", contained in the Urgent Deficiency and Supplemental Appropriation Act, fiscal years 1939 and 1940, are continued available for the same purposes until June 30, 1941.

International conferences.

53 Stat. 988.

Agrarian Claims Commission, United States and Mexico: For an additional amount, fiscal year 1941, for the expenses of participation by the United States in the settlement of claims of citizens of the United States against the Government of Mexico on account of expropriations of agrarian properties since August 30, 1927, as authorized by and in accordance with the Act of April 10, 1939, \$15,000, together with the unexpended balance of the appropriation for this purpose for the fiscal years 1939 and 1940 in the Third Deficiency Appropriation Act, fiscal year 1939.

Agrarian Claims Commission, U. S. and Mexico.

53 Stat. 573.

53 Stat. 1324.

COOPERATION WITH THE AMERICAN REPUBLICS

Salaries and expenses: For an additional amount for salaries and expenses, cooperation with the American republics, fiscal year 1941, including the objects specified under this head in the Department of State Appropriation Act, 1941, and including also the recording and sound-tracking of motion pictures; traveling expenses, in accordance with the Standardized Government Travel Regulations and the

Salaries and expenses.
Post, p. 1044.

Ante, p. 192.
Traveling expenses.

44 Stat. 688.
5 U. S. C. §§ 821-833.

22 U. S. C., Supp. V,
§ 249a.

Transfer of funds to
designated agencies,
etc.

Act of June 3, 1926, as amended, of citizens of the United States and the other American republics selected as professors and students; traveling expenses of members of advisory committees in accordance with section 2, of the Act of August 9, 1939 (53 Stat. 1290); and not exceeding \$10,000 additional for printing and binding, \$250,000; and the Secretary of State is hereby authorized, subject to the approval of the President, to transfer to other departments, agencies, and independent establishments of the Government for expenditure in the United States and in the other American republics not exceeding the following amounts, respectively: Federal Security Agency for the Public Health Service, \$20,000; Department of Labor, for the Children's Bureau, \$7,500, and the Women's Bureau, \$5,000; Civil Aeronautics Authority, \$20,000; Smithsonian Institution, \$28,500; Department of the Interior, for the Travel Bureau, \$12,500, for the Bureau of Fisheries, \$5,000, and for the Geological Survey, \$25,000; Department of Commerce, for the Coast and Geodetic Survey, \$9,000; Library of Congress, \$18,500; Tariff Commission, \$5,000.

TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

Adjusted Compensation Payment Act,
1936, expenses.

49 Stat. 1099.
38 U. S. C., Supp. V,
§§ 686-688b.

Salaries and ex-
penses, foreign owned
property control.

12 U. S. C. § 95a.

Reimbursements.

Administrative expenses, Adjusted Compensation Payment Act, 1936, Treasury Department: For transfer to the Post Office Department to cover registry fees and postage on mailings of bonds, issued under the provisions of the Adjusted Compensation Payment Act of 1936, fiscal year 1940, \$15,000.

Salaries and expenses, foreign owned property control: For expenditure under the direction of the Secretary of the Treasury for any purpose in connection with the carrying out of the provisions of section 5 (b) of the Act of October 6, 1917 (40 Stat. 411, 415), as amended, and any proclamations, orders, or regulations that have been or may be issued thereunder, including personal services (without regard to classification and civil-service laws) and rent in the District of Columbia and elsewhere, printing, and all other necessary expenses incurred in carrying out instructions issued by the Secretary of the Treasury pursuant to section 5 (b) of the Act of October 6, 1917, as amended, or proclamations, orders, or regulations issued thereunder, including reimbursement of any other appropriation or other funds of the United States or any agency, instrumentality, territory, or possession thereof, including the Philippine Islands, and reimbursement of any Federal Reserve bank for printing and other expenditures, fiscal year 1940, \$700,000, to remain available until June 30, 1941.

OFFICE OF GENERAL COUNSEL

Salaries.
Ante, p. 55.

Salaries: For an additional amount, fiscal year 1941, for the general counsel and other personal services in the District of Columbia, \$10,600.

OFFICE OF THE CHIEF CLERK

Salaries.
Ante, p. 56.

Salaries: For an additional amount, fiscal year 1941, for the chief clerk and other personal services in the District of Columbia, \$26,580.

CUSTODY OF TREASURY BUILDINGS

Salaries of operating
force.

Salaries of operating force, Treasury Department buildings: For an additional amount, fiscal year 1941, for the Superintendent of Treasury Buildings and other personal services in the District of

Columbia, including the same objects specified under this head in the Treasury Department Appropriation Act, 1941, \$45,984.

Ante, p. 56.

DIVISION OF PRINTING

Stationery: For an additional amount for stationery for the Treasury Department, fiscal year 1936, including the objects specified under this head in the Treasury Department Appropriation Act, 1936, \$217.02.

Stationery.

For an additional amount for stationery for the Treasury Department, fiscal year 1941, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$39,000.

49 Stat. 220.

Ante, p. 57.

OFFICE OF COMMISSIONER OF ACCOUNTS AND DEPOSITS

Salaries: For an additional amount, fiscal year 1941, for the Commissioner of Accounts and Deposits and other personal services in the District of Columbia, including the Division of Bookkeeping and Warrants, \$35,420.

Salaries.
Ante, p. 57.

Contingent expenses, public moneys: For additional amounts for contingent expenses, public moneys, including the objects specified under this head in the Treasury Department Appropriation Acts for the fiscal years that follow:

Contingent ex-
penses, public
moneys.

For 1934, \$16.44;

47 Stat. 1492.

For 1936, \$296.65.

49 Stat. 220.

Payment of unclaimed moneys: For an additional amount for payment of unclaimed moneys, fiscal year 1940, including the same objects specified under this head in the Treasury Department Appropriation Act, 1940, \$16,874.49, payable from the funds held by the United States in the trust fund receipt account "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown".

Payment of un-
claimed moneys.
Ante, p. 91.

53 Stat. 658.

PUBLIC DEBT SERVICE

Expenses of loans: The limitation on the amount that may be obligated during the fiscal year 1940 under the indefinite appropriation "Expenses of Loans, Act of September 24, 1917, as Amended and Extended", contained in the Treasury Department Appropriation Act, 1940, is hereby increased from \$3,595,000 to \$3,784,000.

Expenses of loans.

40 Stat. 292.
31 U. S. C. §§ 760,
761; Supp. V, §§ 760,
761.
53 Stat. 659.

BUREAU OF CUSTOMS

Refunds and drawbacks: For an additional amount for the refund or payment of customs collections or receipts, and for the payment of debentures or drawbacks, bounties, and allowances as authorized by law, fiscal year 1940, \$2,000,000.

Refunds and draw-
backs.
53 Stat. 660.

BUREAU OF INTERNAL REVENUE

Salaries and expenses: For an additional amount for expenses of assessing and collecting the internal-revenue taxes, fiscal year 1941, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$5,000,000, of which \$164,850 shall be available for printing and binding and \$187,120 for personal services in the District of Columbia.

Salaries and
expenses.

Ante, p. 60.

Printing and bind-
ing.

COAST GUARD

Rebuilding and repairing stations: The unexpended balance of the appropriation "Rebuilding and repairing stations, and so forth", contained in the Second Deficiency Appropriation Act, fiscal year 1939, is hereby continued available for the same purposes until June 30, 1941.

Rebuilding and re-
pairing stations.

53 Stat. 640.

- Special projects, etc. Special projects, vessels, and aids to navigation: For an additional amount for special projects, aids to navigation, Lighthouse Service, Coast Guard, including the same objects specified under the heading "Special projects, vessels, and aids to navigation", in the Department of Commerce Appropriation Act, 1940, \$550,000, and in addition thereto, not to exceed \$160,000 may be transferred to said appropriation for special projects, aids to navigation, from the appropriation "Fuel and Water, Coast Guard, 1940", to continue available until expended.
- 53 Stat. 914.
Transfer of funds.
- Claims for damages, operation of vessels.
Ante, p. 91.
- 49 Stat. 1514.
14 U. S. C., Supp. V, § 71.
- Claims for damages, operation of vessels: To pay claims for damages adjusted and determined by the Secretary of the Treasury under the provisions of the Act entitled "An Act to provide for the adjustment and settlement of certain claims for damages resulting from the operation of vessels of the Coast Guard and the Public Health Service, in sums not exceeding \$3,000 in any one case", approved June 15, 1936, as fully set forth in House Document Numbered 757, Seventy-sixth Congress, \$406.85.

SECRET SERVICE DIVISION

- Suppressing counterfeiting, etc. Suppressing counterfeiting and other crimes: For an additional amount, fiscal year 1941, for suppressing counterfeiting and other crimes, including the objects and subject to the limitations specified under this head in the Treasury Department Appropriation Act, 1941, \$27,000.
- Ante*, p. 67.
- White House Police.
Ante, pp. 68, 156.
- White House Police: For an additional amount for salaries at the rates of pay provided by law, fiscal year 1941, \$49,000.
- Ante*, p. 68.
- For an additional amount for uniforming and equipping the White House Police, including the same objects specified under this head in the Treasury Department Appropriation Act, 1941, \$3,500.

BUREAU OF THE MINT

- Transportation of bullion and coin. Transportation of bullion and coin: For an additional amount for transportation of bullion and coin, between mints, assay offices, and bullion depositories, including compensation of temporary employees, fiscal year 1940, \$1,608,000, to remain available until June 30, 1941.
- Ante*, p. 68.
- Medal for Howard Hughes. Medal for Howard Hughes: For carrying out the provisions of the Act entitled "An Act to provide for the presentation of a medal to Howard Hughes in recognition of his achievement in advancing the science of aviation", approved August 7, 1939 (Private Act Numbered 214), fiscal year 1941, \$250.
- 53 Stat. 1525.
- Medal for Rev. Francis X. Quinn. Medal for Reverend Francis X. Quinn: For carrying out the provisions of the Act entitled "An Act to provide for the presentation of a medal to Reverend Francis X. Quinn in recognition of his valor in saving the lives of two of his fellow citizens", approved August 10, 1939 (Private Act Numbered 235), fiscal year 1941, \$250.
- 53 Stat. 1533.

WAR DEPARTMENT

MILITARY ACTIVITIES

OFFICE OF THE SECRETARY OF WAR

- Claims for damages to and loss of private property. Claims for damages to and loss of private property: To pay claims for damages adjusted and determined by the Secretary of War under the provisions of an Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes", approved August 24, 1912, as fully set forth in House Document Numbered 759, Seventy-sixth Congress, \$1,449.92.
- 53 Stat. 599.
Ante, p. 92.
- 37 Stat. 586.
5 U. S. C. § 208.

GENERAL STAFF CORPS

Miscellaneous expenses, military intelligence activities: For an additional amount for miscellaneous expenses, military intelligence activities, fiscal year 1941, including the same objects specified under this head in the Military Appropriation Act, 1941, to be immediately available, \$135,000.

Miscellaneous expenses, military intelligence activities.

Ante, p. 353.

QUARTERMASTER CORPS

Acquisition of land for radiobeacons, Army: Not to exceed \$1,500 of the unexpended balance of the appropriation for the acquisition of land for sites for radiobeacons contained in the Military Appropriation Act, 1939, is hereby made available until expended for the acquisition of land for sites for radiobeacons in the vicinity of Amarillo, Texas, and Albuquerque, New Mexico, as authorized by the Act of August 12, 1935.

Acquisition of land for radiobeacons.

52 Stat. 652.

49 Stat. 610.
10 U. S. C., Supp. V, §§ 1343a, 1343d.
Choctawhatchee National Forest, Fla.
Acquisition of land.

Acquisition of land, Choctawhatchee National Forest, Florida: For the acquisition of title to all privately owned land within the established boundaries of the Choctawhatchee National Forest, Florida, including expenditures necessary to terminate and liquidate existing forest-products contracts, and reimbursement to special-use permittees for the present value of their improvements, \$76,750, fiscal year 1940, to remain available until expended: *Provided*, That all Government-owned land in the Choctawhatchee National Forest, Florida, is hereby transferred from the control and jurisdiction of the Forest Service, Department of Agriculture, to the control and jurisdiction of the War Department for use for military purposes: *Provided further*, That in the event the area hereby transferred, together with any land hereafter acquired by the War Department within or adjacent to said national forest, shall cease to be needed for military purposes it may, by proclamation or order of the President, be restored to a national-forest status: *Provided further*, That the Secretary of War is hereby authorized, under such terms and conditions as he may prescribe, to discontinue all forest activities within the area hereby transferred, and which may hereafter be acquired, to terminate all existing special-use permits, and to renew such thereof as to which there may be no military objection.

Provisos.
Transfer of Government-owned land.

Restoration to national-forest status.

Discontinuance, etc., of forest activities.

Military posts: Of the funds appropriated under the title "Military Posts" in the Supplemental Military Appropriation Act, 1940, not to exceed \$13,000 may be applied to the satisfaction of claims in connection with the extinguishment of private licenses on military lands in the Panama Canal Zone: *Provided*, That the respective amounts to be awarded to claimants shall be restricted to the reasonable value of improvements placed by them on such lands, as determined by a board of officers appointed by the commanding general, Panama Canal Department, and approved by the Secretary of War.

Military lands, Canal Zone.
53 Stat. 994.

Proviso.
Awards to claimants.

Not to exceed \$25,000 of any funds available to the War Department during the fiscal year 1941 for the construction of buildings, utilities, and appurtenances at military posts may be used for the payment to the owner of the transmission lines on Moffett Field Military Reservation, California, of excess cost of removing said lines to a new location, as determined by and in accordance with conditions approved by the Secretary of War.

Moffett Field, Calif.
Payment to owner of transmission lines.

All moneys available on July 1, 1940, under the appropriation "Construction of Buildings, Utilities, and Appurtenances at Military Posts" may be used in connection with the purposes of such appropriation for the employment of personnel at the seat of Government or elsewhere without regard to civil-service requirements and restrictions of law relating thereto.

Personal services; use of designated funds.

Army Medical Library and Museum.

Ante, p. 363.

41 U. S. C. § 5.

Transfer of funds, limitation.
Ante, p. 350.

Army Medical Library and Museum: The design for the Army Medical Library and Museum, the appropriation on account of which is contained in the Military Appropriation Act, 1941, shall be prepared under the direction and supervision of the Secretary of War and Surgeon General of the Army, who shall select and employ the architect, by contract or otherwise, without reference to section 3709 of the Revised Statutes or the civil service or classification laws; and such appropriation shall be available for payment for such design. Not to exceed 5 per centum of any of the appropriations for the Military Establishment for the fiscal year 1941 may be transferred with the approval of the Director of the Bureau of the Budget to any other of such appropriations, but no appropriation shall be increased more than 5 per centum thereby.

CIVIL FUNCTIONS

CORPS OF ENGINEERS

Claims for damages, rivers and harbors.

41 Stat. 1015.

Claims for damages, rivers and harbors: To pay claims for damages under river and harbor work adjusted and determined by the War Department under the provision of section 9 of the River and Harbor Act, approved June 5, 1920 (33 U. S. C. 564), as set forth in Senate Document Numbered 227 and House Document Numbered 760, Seventy-sixth Congress, \$14,767.25.

PANAMA CANAL

Trans-Isthmian Highway.

53 Stat. 1870.

Construction of a Trans-Isthmian Highway: For every expenditure requisite for, and incident to, the construction of that portion of a Trans-Isthmian Highway between the Canal Zone boundary near Cativa and a junction with the Fort Randolph Road near France Field in accordance with article II of the convention between the United States and the Republic of Panama with regard to the construction of a Trans-Isthmian Highway between the cities of Panama and Colón, signed March 2, 1936, and to the ratification of which the United States Senate gave its advice and consent July 25, 1939, fiscal year 1940, \$325,000, to remain available until expended and to be expended under the direction of the Governor of the Panama Canal.

TITLE II—JUDGMENTS AND AUTHORIZED CLAIMS

PROPERTY DAMAGE CLAIMS

Payment.

42 Stat. 1066.
31 U. S. C. §§ 215-217.

SEC. 201. (a) For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and independent offices, under the provisions of the Act entitled "An Act to provide a method for the settlement of claims arising against the Government of the United States in the sums not exceeding \$1,000 in any one case", approved December 28, 1922 (31 U. S. C. 215), as fully set forth in the House Document Numbered 755 of the Seventy-sixth Congress, as follows:

- Civil Aeronautics Authority, \$992.48;
- Federal Works Agency:
 - Public Works Administration, \$10.01;
 - Public Buildings Administration, \$51.15;
 - Works Progress Administration, \$494.66;
- Veterans' Administration, \$37.50;
- Department of Agriculture, \$7,090.09;
- Department of the Interior, \$1,181.47;

Department of Justice, \$52.33;
 Department of Labor, \$8.65;
 Navy Department, \$953.99;
 Treasury Department, \$22;
 War Department, \$4,242.01;
 Post Office Department (payable from postal revenues), \$1,103.15;
 In all, \$16,239.49.

(b) For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and independent offices, under the provisions of the Act entitled "An Act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding \$1,000 in any one case", approved December 28, 1922 (31 U. S. C. 215), as fully set forth in Senate Document Numbered 225 of the Seventy-sixth Congress, as follows:

Federal Works Agency:

Works Progress Administration, \$130.35;
 Department of Agriculture, \$3,398.44;
 Department of the Interior, \$178.00;
 Navy Department, \$668.72;
 Treasury Department, \$76.25;
 War Department, \$2,780.37;
 In all, \$7,232.13.

Payment.

42 Stat. 1066.
 31 U. S. C. §§ 215-217.

JUDGMENTS, UNITED STATES COURTS

SEC. 202. (a) For the payment of the final judgments, including costs of suits, which have been rendered under the provisions of the Act of March 3, 1887, entitled "An Act to provide for the bringing of suits against the Government of the United States", as amended by Section 297 of the Act of March 3, 1911 (28 U. S. C. 761), certified to the Seventy-sixth Congress in House Document Numbered 761, under the following departments:

Department of Agriculture, \$6,736.94;
 Navy Department, \$1,708.11;

In all, \$8,445.05, together with such additional sum as may be necessary to pay costs and interest as specified in such judgments or as provided by law.

(b) For the payment of judgments, including cost of suits, rendered against the Government of the United States by United States district courts under the provisions of an Act entitled "An Act authorizing suits against the United States in admiralty for damages caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes", approved March 3, 1925 (46 U. S. C. 781-789), certified to the Seventy-sixth Congress in Senate Document Numbered 222 and House Document Numbered 761, under the following department:

Navy Department, \$8,309.82;

In all, \$8,309.82, together with such additional sum as may be necessary to pay interest as and where specified in such judgments or as provided by law.

(c) For the payment of the costs of final judgment and decree rendered against J. Edwin Larson, Collector of Internal Revenue, in his official capacity only, certified to the Seventy-sixth Congress in House Document Numbered 761, under the Treasury Department, \$599.55.

(d) None of the judgments contained under this caption shall be paid until the right of appeal shall have expired except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

Payment of final judgments, etc.

24 Stat. 505; 36 Stat. 1168.

Costs and interest.

Payment of judgments, etc.

43 Stat. 1112.
 46 U. S. C. §§ 781-790.

Interest.

J. Edwin Larson.
 Payment of costs of final judgment, etc., against.

Time of payment.

Interest.

(e) Payment of interest wherever provided for judgments contained in this Act shall not in any case continue for more than thirty days after the date of approval of this Act.

JUDGMENTS, COURT OF CLAIMS

Payment of judgments.

SEC. 203. (a) For payment of the judgments rendered by the Court of Claims and reported to the Seventy-sixth Congress in Senate Document Numbered 226 and House Document Numbered 763, under the following establishment and departments, namely:

Federal Works Agency, \$109,707.43;
 Veterans' Administration, \$277.75;
 Department of Commerce, \$7,109.15;
 Department of the Interior, \$796.62;
 Navy Department, \$8,147.93;
 Treasury Department, \$19,565;
 War Department, \$202,890.22;

Interest.

In all, \$348,494.10, together with such additional sum as may be necessary to pay interest as and where specified in such judgments.

Time of payment.

(b) None of the judgments contained under this caption shall be paid until the right of appeal shall have expired, except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

AUDITED CLAIMS

Payment.

SEC. 204. (a) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (31 U. S. C. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1937 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (5 U. S. C. 266), as fully set forth in House Document Numbered 765, Seventy-sixth Congress, there is appropriated as follows:

18 Stat. 110.

23 Stat. 254.

Executive.

Independent Offices.

Executive: For National Industrial Recovery, National Resources Board, \$32.44.

Independent Offices: For National Industrial Recovery, Civil Works Administration, \$6.

For maintenance of air-navigation facilities, Civil Aeronautics Authority, \$1,151.48.

40 Stat. 1009.

For salaries and expenses, National Archives, 26 cents.

For operations under Mineral Act of October 5, 1918, \$3,605.33.

For housing for war needs, \$766.67.

For general administrative expenses, Public Buildings Branch, Procurement Division, \$260.59.

For general administrative expenses, Public Works Branch, Procurement Division, \$309.86.

For National Industrial Recovery, Federal Emergency Administration of Public Works, \$116.37.

For Quarantine Service, \$7.22.

For National Industrial Recovery, Labor, United States Employment Service, 80 cents.

For wage records, Social Security Board, \$2.27.

For pay of other employees, Public Health Service, \$4.83.

For pay of personnel and maintenance of hospitals, Public Health Service, \$91.59.

For diseases and sanitation investigations, Social Security Act, Public Health Service, \$1.57.

49 Stat. 635.
42 U. S. C., Supp.
V, § 803.

For salaries and expenses, Veterans' Administration, \$2,624.54.

For medical and hospital services, Veterans' Bureau, \$32.20.

Department of Agriculture: For National Industrial Recovery, Resettlement Administration, submarginal lands (transfer to Agriculture), \$14,017.74.

Department of Agriculture.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture, \$614.48.

For increase of compensation, Department of Agriculture, \$10.

For loans and relief in stricken agricultural areas (transfer to Farm Credit Administration), \$19.79.

For salaries and expenses, Bureau of Plant Industry, \$30.

For salaries and expenses, Bureau of Chemistry and Soils, \$6.25.

For conservation and use of agricultural land resources, Department of Agriculture, \$777.

For acquisition of lands for protection of watersheds of navigable streams, \$122.

For salaries and expenses, Food and Drug Administration, \$403.92.

For salaries and expenses, Forest Service, \$248.57.

For soil-erosion investigations, \$9.99.

For National Industrial Recovery, Agricultural Adjustment Administration, \$63.03.

For farmers' crop production and harvesting loans, Farm Credit Administration, \$52.81.

For salaries and expenses, Weather Bureau, \$6.44.

For salaries and expenses, Bureau of Agricultural Economics, \$2.91.

For miscellaneous expenses, Department of Agriculture, \$54.24.

For loans and relief in stricken agricultural areas (transfer to Agriculture, silviculture), \$17.95.

For grasshopper control, \$11.07.

For National Industrial Recovery, Interior, soil-erosion prevention (transfer to Agriculture), \$7.24.

For emergency conservation fund (transfer from War to Agriculture, Act June 19, 1934), \$262.17.

For emergency conservation fund (transfer from War to Agriculture, Act March 31, 1933), \$2.14.

For salaries and expenses, Soil Conservation Service, \$28,168.24.

Department of Commerce: For equipment, Bureau of Standards, \$550.

Department of Commerce.

District of Columbia: For fees of jurors and witnesses, Supreme Court, District of Columbia, \$1.50.

District of Columbia.

For workhouse and reformatory, District of Columbia, \$948.78.

Department of the Interior: For National Industrial Recovery, Interior, National Park Service, recreational demonstration projects, \$592.75.

Department of the Interior.

For migratory bird conservation fund (receipt limitation), 68 cents.

For testing fuel, Bureau of Mines, \$16.25.

For miscellaneous expenses, Bureau of Fisheries, \$44.60.

For Indian school support, \$43.53.

For emergency conservation work (transfer to Interior, Indians, Act June 22, 1936), \$65.14.

For emergency conservation fund (transfer from War to Interior, Indians, Act March 31, 1933), \$12.03.

For expenses, sale of timber (reimbursable), \$30.70.

For Indian Service supply fund, \$809.05.

For emergency conservation work (transfer to Interior, Indians, Act February 9, 1937), \$33.04.

For agriculture and stock raising among Indians, \$8.45.

For conservation of health among Indians, \$11.65.

For support of Indians and administration of Indian property, \$191.50.

Department of Justice.

Department of Justice: For fees of commissioners, United States courts, \$301.58.

For salaries and expenses, veterans' insurance litigation, Department of Justice, \$15.

For United States Penitentiary, Atlanta, Georgia, maintenance, \$12.17.

For fees of jurors and witnesses, United States courts, \$65.20.

For salaries and expenses, Bureau of Prohibition, \$5.72.

For miscellaneous expenses, United States courts, \$45.85.

For salaries, fees, and expenses of marshals, United States courts, \$108.90.

For support of United States prisoners, \$2.95.

For probation system, United States courts, \$2.50.

Department of Labor.

Department of Labor: For salaries and expenses, Immigration and Naturalization Service, \$1.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Labor), \$54.61.

Navy Department.

For salaries and expenses, Bureau of Labor Statistics, \$2.

Navy Department: For pay, Marine Corps, \$204.46.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Navy), \$44.49.

For ordnance and ordnance stores, Bureau of Ordnance, \$43,345.38.

For pay, subsistence, and transportation, Navy, \$4,485.

For general expenses, Marine Corps, \$258.69.

For aviation, Navy, \$153,496.84.

For maintenance, Bureau of Supplies and Accounts, \$694.22.

For engineering, Bureau of Engineering, \$10,743.89.

For pay of the Navy, \$59.83.

For organizing the Naval Reserve, \$25.92.

For miscellaneous expenses, Navy, \$51.13.

For Medical Department, Bureau of Medicine and Surgery, \$223.31.

Department of State.

Department of State: For transportation of Foreign Service officers, \$657.75.

Treasury Department.

Treasury Department: For expenses, Emergency Banking, Gold Reserve, and Silver Purchase Acts, \$9.

For collecting the revenue from customs, \$13.70.

For collecting the internal revenue, \$95.50.

For communication lines, Coast Guard, 64 cents.

For general expenses, Lighthouse Service, \$112.76.

For salaries, keepers of lighthouses, \$82.29.

For pay and allowances, Coast Guard, \$213.92.

For rebuilding and repairing stations, and so forth, Coast Guard, \$750.

War Department.

War Department: For general appropriations, Quartermaster Corps, \$15,064.79.

For pay, and so forth, of the Army, \$4,304.52.

For pay of the Army, \$7,022.19.

For Army transportation, \$230.98.

For travel, military and civil personnel, War Department, \$62.55.

For replacing medical supplies, \$3,179.76.

For pay of National Guard for armory drills, \$3.45.

For National Industrial Recovery, War, Quartermaster Corps, \$825.39.

For travel of the Army, \$76.69.

For clothing and equipage, \$26.22.

For medical and hospital department, \$216.14.

For medical and hospital department, Army, \$1.13.

For ordnance service and supplies, Army, \$323.39.

For Signal Service of the Army, \$21.14.

For barracks and quarters, \$550.84.

For barracks and quarters, Army, \$383.83.

For Air Corps, Army, \$5.49.

For Organized Reserves, \$18.80.

For citizens' military training camps, \$1.34.

For increase of compensation, Military Establishment, \$72.66.

For seacoast defenses, \$219.03.

For subsistence of the Army, \$40.84.

For National Guard, \$166.42.

For replacing Army transportation, \$20.55.

For supplies, services, and transportation, Quartermaster Corps, \$92.

For emergency conservation fund (transfer to War, Act March 31, 1933), \$243.14.

For emergency conservation fund (transfer to War, Act June 19, 1934), \$769.09.

For loans and relief in stricken agricultural areas (transfer from emergency conservation work to War, Act June 19, 1934), \$17.92.

For emergency conservation work (transfer to War, Act June 22, 1936), \$715.41.

For emergency conservation work (transfer to War, Act February 9, 1937), \$632.18.

Emergency relief: For emergency relief, Agriculture, administrative expenses, \$53.65.

Emergency relief.

For emergency relief, Agriculture, Biological Survey, \$2,150.40.

For emergency relief, Agriculture, Biological Survey, flood control and other conservation, \$27.60.

For emergency relief, Agriculture, Forest Service, forestation, and so forth, \$120.

For emergency relief, Agriculture, Forest Service, parks and recreational facilities, \$120.49.

For emergency relief, Agriculture, Forest Service, flood control and other conservation, \$6.

For emergency relief, Agriculture, Soil Conservation Service, \$210.47.

For emergency relief, Agriculture, Soil Conservation Service, flood control and other conservation, \$11.

For emergency relief, Resettlement Administration, rural rehabilitation, loans and relief to farmers, and so forth (transfer to Agriculture), \$253.

For emergency relief, Resettlement Administration, administrative expenses (transfer to Agriculture), \$121.25.

For emergency relief, Resettlement Administration, rural rehabilitation (transfer to Agriculture), \$1,213.55.

For emergency relief, Resettlement Administration, sanitation, prevention of soil erosion, and so forth (transfer to Agriculture), \$6,808.63.

For emergency relief, emergency conservation work, Interior, Indians, miscellaneous projects, Indian reservations, \$208.89.

For emergency relief, Interior, Puerto Rico Reconstruction Administration, public utilities, and so forth, \$8,250.

For emergency relief, Interior, Puerto Rico Reconstruction Administration, public buildings, \$815.90.

For emergency relief, Justice, administrative expenses, \$140.

For emergency relief, Treasury, administrative expenses, \$12.51.

For emergency relief, Treasury, Coast Guard, \$41.50.

For emergency relief, War, rivers and harbors, flood control, and so forth, \$4,295.

For emergency relief, emergency conservation work, War, Civilian Conservation Corps, \$1,472.85.

For emergency relief, Works Progress Administration, administrative expenses, \$154.25.

For emergency relief, Works Progress Administration, women's projects, \$6.58.

For emergency relief, Works Progress Administration, work-relief projects, \$3.04.

For emergency relief, Works Progress Administration, miscellaneous work projects, \$26.76.

For emergency relief, Works Progress Administration, public buildings, \$9.52.

For emergency relief, Works Progress Administration, public utilities, and so forth, \$18.24.

For emergency relief, Works Progress Administration, highways, roads, and streets, \$617.10.

For emergency relief, Works Progress Administration, forestation, prevention of soil erosion, and so forth, \$38.76.

For emergency relief, Works Progress Administration, assistance for educational, professional, and clerical persons, \$232.65.

For emergency relief, Works Progress Administration, grants to States, and so forth, \$8,294.59.

For emergency relief, Works Progress Administration (non-Federal projects approved prior to June 22, 1936), \$1,187.34.

For emergency relief, Works Progress Administration, parks and recreational facilities, \$66.26.

For emergency relief, Works Progress Administration, National Youth Administration, non-Federal projects, \$33.05.

For emergency relief, National Resources Committee, administrative expenses, \$7,344.80.

Post Office Department.

Post Office Department—Postal Service (out of the Postal Revenues): For clerks, first- and second-class post offices, \$710.72.

For contract air-mail service, \$22,342.24.

For freight, express, and motor transportation of equipment, and so forth, \$1.09.

For indemnities, domestic mail, \$36.06.

For rent, light, and fuel, \$142.25.

For Rural Delivery Service, \$78.55.

For vehicle service, \$259.24.

Total; additional sum.

Total, audited claims, section 204 (a), \$376,711.51, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency and interest as specified in certain of the settlements of the General Accounting Office.

Payment of designated claims.

(b) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (31 U. S. C. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1937 and prior years, unless otherwise stated, and

which have been certified to Congress under section 2 of the Act of July 7, 1884 (5 U. S. C. 266), as fully set forth in Senate Document Numbered 224, Seventy-sixth Congress, there is appropriated as follows:

23 Stat. 254.

Independent Offices: For maintenance of air-navigation facilities, Civil Aeronautics Authority, \$759.20.

Independent Off-
ces.

For Interstate Commerce Commission, \$23.95.

For salaries and expenses, Veterans' Administration, \$187.78.

For National Industrial Recovery, Federal Emergency Administration of Public Works, \$313.30.

For repair, preservation, and equipment, Public Buildings, Procurement Division, \$14.80.

Department of Agriculture: For salaries and expenses, Soil Conservation Service, \$12.80.

Department of Agri-
culture.

For salaries and expenses, Forest Service, \$51.89.

For salaries and expenses, Bureau of Animal Industry, \$11.66.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture, \$55.83.

For acquisition of lands for protection of watersheds of navigable streams, \$502.80.

For farmers' crop production and harvesting loans, Farm Credit Administration, \$20.

For conservation and use of agricultural land resources, Department of Agriculture, \$30.

For National Industrial Recovery, Resettlement Administration, submarginal lands (transfer to Agriculture), \$1,607.54.

Department of the Interior: For salaries and expenses, Division of Investigation, Department of the Interior, \$43.94.

Department of the
Interior.

For Indian boarding schools, \$31.44.

For support of Indians and administration of Indian property, \$131.25.

Department of Justice: For support of United States prisoners, \$61.55.

Department of Jus-
tice.

Department of Labor: For salaries and expenses, Immigration and Naturalization Service, \$12.73.

Department of
Labor.

For salaries and expenses, Bureau of Labor Statistics, \$2.

Navy Department: For pay, subsistence, and transportation, Navy, \$441.10.

Navy Department.

For pay, Marine Corps, \$51.74.

For aviation, Navy, \$8,130.

For ordnance and ordnance stores, Bureau of Ordnance, \$52,017.86.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Navy), \$8.31.

Post Office Department: For operating supplies for public buildings, Post Office Department, general fund, \$13.24.

Post Office Depart-
ment.

Department of State: For contingent expenses, Foreign Service, \$6.44.

Department of
State.

Treasury Department: For increase of compensation, Treasury Department, \$10.

Treasury Depart-
ment.

For general expenses, Lighthouse Service, \$42.

For Coast Guard, \$57.95.

For pay and allowances, Coast Guard, \$57.

For collecting the internal revenue, \$5.25.

War Department: For general appropriations, Quartermaster Corps, \$3,518.95.

War Department.

For pay, and so forth, of the Army, \$1,355.58.

For pay of the Army, \$139.52.

For Army transportation, \$24.48.
 For travel, military and civil personnel, War Department, \$278.07.
 For travel of the Army, \$22.50.
 For ordnance service and supplies, Army, \$3.37.
 For increase of compensation, Military Establishment, \$2.90.
 For National Guard, \$132.26.
 For Reserve Officers' Training Corps, \$9.87.
 For working fund, War, Chemical Warfare Service (Navy, construction and repair), \$5,135.82.
 For emergency conservation fund (transfer to War, Act June 19, 1934), \$22.57.
 For emergency conservation work (transfer to War, Act June 22, 1936), \$201.85.
 For emergency conservation work (transfer to War, Act February 9, 1937), \$900.18.

Emergency relief.

Emergency Relief: For emergency relief, Agriculture, administrative expenses, \$1.88.

For emergency relief, Agriculture, public roads, highways, roads, and streets, \$151,585.83.

For emergency relief, Resettlement Administration, flood control and other conservation (transfer to Agriculture), \$30.53.

For emergency relief, Resettlement Administration, rural rehabilitation (transfer to Agriculture), \$2,477.25.

For emergency relief, Resettlement Administration, sanitation, prevention of soil erosion, and so forth (transfer to Agriculture), \$23.45.

For emergency relief, emergency conservation work, War, Civilian Conservation Corps, \$530.35.

For emergency relief, Interior, National Park Service, parks and recreational facilities, \$4.30.

For emergency relief, Interior, National Park Service, parks and recreational facilities, non-Federal projects, 47 cents.

For emergency relief, Interior, National Park Service, sanitation, prevention of soil erosion, and so forth, \$6.94.

For emergency relief, Works Progress Administration, administrative expenses, \$211.28.

For emergency relief, Works Progress Administration, grants to States, and so forth, \$163.92.

For emergency relief, Works Progress Administration (non-Federal projects approved prior to June 22, 1936), \$962.50.

Post Office Department.

Post Office Department—Postal Service (out of the Postal Revenues): For contract Air Mail Service, \$44.76.

For operating force for public buildings, Post Office Department, \$71.97.

For compensation to postmasters, \$133.74.

Total; additional sum.

Total, audited claims, section 204 (b), \$232,712.44, together with such additional sum due to increase in rates of exchange as may be necessary to pay claims in the foreign currency and interest as specified in certain of the settlements of the General Accounting Office.

Payment of designated claims.

(c) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (31 U. S. C. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1937 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (5 U. S. C. 266), as fully set forth in Senate Document

18 Stat. 110.

23 Stat. 254.

Numbered 223, Seventy-sixth Congress, there is appropriated as follows:

Independent Offices: For maintenance of air-navigation facilities, Civil Aeronautics Authority, \$11. Independent Offices.

For air-navigation facilities, \$6.

For Civil Aeronautics Authority fund, \$2.90.

For operations under Mineral Act of October 5, 1918, \$90,815.15. 40 Stat. 1009.

For Interstate Commerce Commission, \$10.

For pay of personnel and maintenance of hospitals, Public Health Service, \$18.

For general administrative expenses, Public Works Branch, Procurement Division, \$7.67.

For salaries and expenses, Veterans' Administration, \$24.03.

For medical and hospital services, Veterans' Bureau, \$45.

Department of Agriculture: For salaries and expenses, Soil Conservation Service, \$25.20. Department of Agriculture.

For salaries and expenses, Forest Service, \$148.

For salaries and expenses, Bureau of Agricultural Economics, \$167.87.

For National Industrial Recovery, Resettlement Administration, submarginal lands (transfer to Agriculture), \$1,536.95.

For National Industrial Recovery, Resettlement Administration, subsistence homesteads (transfer to Agriculture), \$60.38.

For loans and relief in stricken agricultural areas (transfer to Agriculture) (silviculture), \$17.95.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture, \$58.95.

For soil-erosion investigations, \$29.14.

For farmers' crop production and harvesting loans, Farm Credit Administration, \$17.14.

Department of the Interior: For migratory bird conservation fund (receipt limitation), \$4.08. Department of the Interior.

For purchase of Indian supplies, \$9.01.

Department of Justice: For salaries, fees, and expenses of marshals, United States courts, \$264.51. Department of Justice.

Navy Department: For aviation, Navy, \$6,883.95. Navy Department.

For pay, subsistence, and transportation, Navy, \$6.41.

For engineering, Bureau of Engineering, \$22.40.

For pay, Marine Corps, \$685.25.

For maintenance, Bureau of Yards and Docks, \$1.

For ordnance and ordnance stores, Bureau of Ordnance, \$766.92.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Navy), \$5.32.

Department of State: For transportation of Foreign Service officers, \$201.30. Department of State.

For United States contributions to international commissions, congresses, and bureaus, \$17.73.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies, \$69.58.

Treasury Department: For collecting the internal revenue, \$10.60. Treasury Department.

War Department: For general appropriations, Quartermaster Corps, \$3,174.08. War Department.

For pay of the Army, \$873.91.

For pay, and so forth, of the Army, \$921.85.

For subsistence of the Army, \$37.40.

For National Guard, \$324.35.

For ordnance service and supplies, Army, \$14.52.

For emergency conservation fund (transfer to War, Act March 31, 1933), \$8.50.

For emergency conservation fund (transfer to War, Act June 19, 1934), \$152.04.

For emergency conservation work (transfer to War, Act February 9, 1937), \$159.38.

For emergency conservation work (transfer to War, Act June 22, 1936), \$659.30.

Emergency relief.

Emergency Relief: For emergency relief, Agriculture, Forest Service, flood control and other conservation, \$159.36.

For emergency relief, Agriculture, Forest Service, forestation, and so forth, \$27.

For emergency relief, Agriculture, Soil Conservation Service, flood control and other conservation, \$11.95.

For emergency relief, Emergency Conservation work, War, Civilian Conservation Corps, \$619.81.

For emergency relief, Interior, National Park Service, parks and recreational facilities, non-Federal projects, \$175.97.

For emergency relief, Interior, National Park Service, parks and recreational facilities, \$1.18.

For emergency relief, Resettlement Administration, rural rehabilitation, loans and relief to farmers, and so forth (transfer to Agriculture), \$2,112.38.

For emergency relief, Resettlement Administration, rural rehabilitation (transfer to Agriculture), \$612.10.

For emergency relief, Resettlement Administration, sanitation, prevention of soil erosion, and so forth (transfer to Agriculture), \$13,680.

For emergency relief, War, rivers and harbors, flood control, and so forth, \$4.16.

For emergency relief, Works Progress Administration, grants to States, and so forth, \$26.10.

For emergency relief, Works Progress Administration, highways, roads, and streets, \$271.12.

For emergency relief, Works Progress Administration, National Youth Administration, non-Federal projects, \$9.15.

For emergency relief, Works Progress Administration (non-Federal projects approved prior to June 22, 1936), \$1,009.51.

For emergency relief, Works Progress Administration, parks and recreational facilities, \$115.95.

For emergency relief, Works Progress Administration, public buildings, \$1,177.94.

For emergency relief, Works Progress Administration, public buildings (Federal projects), \$3.38.

For emergency relief, Works Progress Administration, public utilities, and so forth, \$820.83.

Post Office Department.

Post Office Department—Postal Service (out of the Postal Revenues): For compensation to postmasters, \$21.75.

For Rural Delivery Service, \$60.30.

Total; additional sum.

Total, audited claims, section 204 (c), \$129,194.66, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency and interest as specified in certain of the settlements of the General Accounting Office.

Volunteers, War with Spain, extra pay. Payment of claims. 30 Stat. 784; 31 Stat. 205.

SEC. 205. For the payment of claims allowed by the General Accounting Office pursuant to the Acts of January 12, 1899, and May 26, 1900, which have been certified to Congress under the Permanent

Appropriations Repeal Act, approved June 26, 1934 (31 U. S. C. 725b), in House Document Numbered 762, Seventy-sixth Congress, \$135.20.

SEC. 206. For the payment of claim allowed by the General Accounting Office pursuant to Private Act Numbered 107 of the Seventy-sixth Congress, approved July 25, 1939, which has been certified to Congress under section 2 of the Act of July 7, 1884 (5 U. S. C. 266), in Senate Document Numbered 229, Seventy-sixth Congress, \$165.

SEC. 207. For the payment of a claim allowed by the General Accounting Office pursuant to Public Act Numbered 505 of the Seventy-sixth Congress, approved May 2, 1940, which has been certified to Congress under section 2 of the Act of July 7, 1884 (U. S. C. title 5, sec. 266), in Senate Document Numbered 228, Seventy-sixth Congress, \$6,219.22.

SEC. 208. This Act may be cited as the "Second Deficiency Appropriation Act, 1940".

Approved, June 27, 1940.

[CHAPTER 438]

AN ACT

To amend an Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and Acts amendatory thereof and supplementary thereto.

June 28, 1940
[H. R. 9139]
[Public, No. 669]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 81 of chapter IX of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended, is amended to read as follows:

"SEC. 81. This Act and proceedings thereunder are found and declared to be within the subject of bankruptcies and, in addition to the jurisdiction otherwise exercised, courts of bankruptcy shall exercise original jurisdiction as provided in this chapter for the composition of indebtedness of, or authorized by, any of the taxing agencies or instrumentalities hereinafter named, payable (a) out of assessments or taxes, or both, levied against and constituting liens upon property in any of said taxing agencies or instrumentalities, or (b) out of property acquired by foreclosure of any such assessments or taxes or both, or (c) out of income derived by such taxing agencies or instrumentalities from the sale of water or power or both, or (d) from any combination thereof: (1) Drainage, drainage and levee, levee, levee and drainage, reclamation, water, irrigation, or other similar districts, commonly designated as agricultural improvement districts or local improvement districts, organized or created for the purpose of constructing, improving, maintaining, and operating certain improvements or projects devoted chiefly to the improvement of lands therein for agricultural purposes; or (2) local improvement districts, such as sewer, paving, sanitary, or other similar districts, organized or created for the purposes designated by their respective names; or (3) local improvement districts, such as road, highway, or other similar districts, organized or created for the purpose of grading, paving, or otherwise improving public streets, roads, or highways; or (4) public-school districts or public-school authorities organized or created for the purpose of constructing, maintaining, and operating public schools or public-school facilities; or (5) local improvement districts, such as port, navigation, or other similar districts, organized or created for the purpose

48 Stat. 1228.

Capt. Robert E. Coughlin.
Payment of claim.
53 Stat. 1485.

23 Stat. 254.

Volunteers, War with Spain, travel pay, etc.
Payment of claim.
Ante, p. 176.
23 Stat. 254.

Short title.

Bankruptcy Act of 1898, amendment.
30 Stat. 544; 50 Stat. 654.
11 U. S. C., Supp. V, § 401.

Additional jurisdiction.
Composition of indebtedness of taxing agencies, etc.

Agricultural improvement districts.

Sewer, paving, etc., districts.

Highway, etc., districts.

Public-school districts.

Port, navigation, etc., districts.

Counties, cities, etc.
Proviso.
 Separability provi-
 sion.

50 Stat. 656,
 11 U. S. C., Supp.
 V, § 403 (b).
 Procedure upon ap-
 proval of petition.

Notice to creditors.

Publication of no-
 tice; copy to each
 creditor.

Answers by cred-
 itors.

Continuance of
 hearing.

Decision on issues
 presented.

Proviso.
 Claimholders with-
 out preference.

Claimholders with
 preference.

of constructing, improving, maintaining, and operating ports and port facilities; or (6) any county or parish or any city, town, village, borough, township, or other municipality: *Provided, however,* That if any provision of this chapter, or the application thereof to any such taxing agency or district or class thereof or to any circumstance, is held invalid, the remainder of the chapter, or the application of such provision to any other or different taxing agency or district or class thereof or to any other or different circumstances, shall not be affected by such holding."

SEC. 2. Section 83 (b) of chapter IX of such Act, as amended, is amended to read as follows:

"(b) Upon approving the petition as properly filed, or at any time thereafter, the judge shall enter an order fixing a time and place for a hearing on the petition, which shall be held within ninety days from the date of said order, and shall provide in the order that notice shall be given to creditors of the filing of the petition and its approval as being properly filed, and of the time and place for the hearing. The judge shall prescribe the form of the notice, which shall specify the manner in which claims and interests of creditors shall be filed or evidenced, on or before the date fixed for the hearing. The notice shall be published at least once a week for three successive weeks in at least one newspaper of general circulation published within the jurisdiction of the court, and in such other paper or papers having a general circulation among bond dealers and bondholders as may be designated by the court, and the judge may require that it may be published in such other publication as he may deem proper. The judge shall require that a copy of the notice be mailed, postage prepaid, to each creditor of the petitioner named in the petition at the address of such creditor given in the petition, or, if no address is given in the petition for any creditor and the address of such creditor cannot with reasonable diligence be ascertained, then a copy of the notice shall be mailed, postage prepaid, to such creditor addressed to him as the judge may prescribe. All expense of giving notice as herein provided shall be paid by the petitioner. The notice shall be first published, and the mailing of copies thereof shall be completed at least sixty days before the date fixed for the hearing.

"At any time not less than ten days prior to the time fixed for the hearing, any creditor of the petitioner affected by the plan may file an answer to the petition controverting any of the material allegations therein and setting up any objection he may have to the plan of composition. The judge may continue the hearing from time to time if the percentage of creditors required herein for the confirmation of the plan shall not have accepted the plan in writing, or if for any reason satisfactory to the judge the hearing is not completed on the date fixed therefor. At the hearing, or a continuance thereof, the judge shall decide the issues presented and unless the material allegations of the petition are sustained shall dismiss the proceeding. If, however, the material allegations of the petition are sustained, the judge shall classify the creditors according to the nature of their respective claims and interests: *Provided, however,* That the holders of all claims, regardless of the manner in which they are evidenced, which are payable without preference out of funds derived from the same source or sources shall be of one class. The holders of claims for the payment of which specific property or revenues are pledged, or which are otherwise given preference as provided by law, shall accordingly constitute a separate class or classes of creditors.

"At the hearing, or a continuance thereof, the judge may refer any matters to a special master for consideration, the taking of testimony, and a report upon special issues, and may allow reasonable compensation for the services performed by such special master, and the actual and necessary expenses incurred in connection with the proceeding, including compensation for services rendered and expenses incurred in obtaining the deposit of securities and the preparation of the plan, whether such work may have been done by the petitioner or by committees or other representatives of creditors, and may allow reasonable compensation for the attorneys or agents of any of the foregoing: *Provided, however,* That no fees, compensation, reimbursement, or other allowances for attorneys, agents, committees, or other representatives of creditors shall be assessed against the petitioner or paid from any revenues, property, or funds of the petitioner except in the manner and in such sums, if any, as may be provided for in the plan of composition. An appeal may be taken from any order making such determination or award to the United States circuit court of appeals for the circuit in which the proceeding under this chapter is pending, independently of other appeals which may be taken in the proceeding, and such appeal shall be heard summarily.

"On thirty days' notice by any creditor to petitioner, the judge, if he finds that the proceeding has not been prosecuted with reasonable diligence, or that it is unlikely that the plan will be accepted by said proportion of creditors, may dismiss the proceeding."

SEC. 3. Section 83 (e) of chapter IX of such Act as amended, is amended to read as follows:

"(e) Before concluding the hearing, the judge shall carefully examine all of the contracts, proposals, acceptances, deposit agreements, and all other papers relating to the plan, specifically for the purpose of ascertaining if the fiscal agent, attorney, or other person, firm, or corporation promoting the composition, or doing anything of such a nature, has been or is to be compensated, directly or indirectly, by both the petitioner and the creditors thereof, or any of such creditors—either by fee, commission, or other similar payment, or by transfer or exchange of bonds or other evidence of indebtedness whereby a profit could accrue—and shall take evidence under oath to make certain whether or not any such practice obtains or might obtain.

"After such examination the judge shall make an adjudication of this issue, as a separate part of his interlocutory decree, and if it be found that any such practice be possible, he shall forthwith dismiss the proceeding and tax all of the costs against such fiscal agent, attorney, or other person, firm, or corporation promoting the composition, or doing anything of such a nature, or against the petitioner, unless such plan be modified within the time to be allowed by the judge so as to eliminate the possibility of any such practice, in which event the judge may proceed to further consideration of the confirmation of the plan. If it be found that no such practice is possible, then the judge may proceed to further consideration of the confirmation of the plan.

"At the conclusion of the hearing, the judge shall make written findings of fact and his conclusions of law thereon, and shall enter an interlocutory decree confirming the plan if satisfied that (1) it is fair, equitable, and for the best interests of the creditors and does not discriminate unfairly in favor of any creditor or class of creditors; (2) complies with the provisions of this chapter; (3) has been accepted and approved as required by the provisions of subdivision (d) of this section; (4) all amounts to be paid by the petitioner for services or expenses incident to the composition have been fully

Reference to special master.

Compensation and expenses.

Proriso.
Assessment of fees, etc.

Appeal from order.

Dismissal of proceeding.

50 Stat. 658,
11 U. S. C., Supp. V,
§ 403 (e).

Examination of source of promoter's compensation.

Adjudication; dismissal of proceeding; taxing of costs.

Condition.

Findings.
Basis for entry of decree confirming plan.

Dismissal of proceeding.

Changes, etc., before confirmation of plan.

Right of creditor.

Proviso.
Conformity and acceptance.

Appeal; suspension of running of time.

50 Stat. 659,
11 U. S. C., Supp. V,
§ 404.

Termination of jurisdiction; exception.

disclosed and are reasonable; (5) the offer of the plan and its acceptance are in good faith; and (6) the petitioner is authorized by law to take all action necessary to be taken by it to carry out the plan. If not so satisfied, the judge shall enter an order dismissing the proceeding.

"Before a plan is confirmed, changes and modifications may be made therein, with the approval of the judge after hearing upon such notice to creditors as the judge may direct, subject to the right of any creditor who shall previously have accepted the plan to withdraw his acceptance, within a period to be fixed by the judge and after such notice as the judge may direct, if, in the opinion of the judge, the change or modification will be materially adverse to the interest of such creditor, and if any creditor having such right of withdrawal shall not withdraw within such period, he shall be deemed to have accepted the plan as changed or modified: *Provided, however,* That the plan as changed or modified shall comply with all the provisions of this chapter and shall have been accepted in writing by the petitioner. Either party may appeal from the interlocutory decree as in equity cases. In case said interlocutory decree shall prescribe a time within which any action is to be taken, the running of such time shall be suspended in case of an appeal until final determination thereof. In case said decree is affirmed, the judge may grant such time as he may deem proper for the taking of such action."

SEC. 4. Section 84 of chapter IX of such Act, as amended, is amended to read as follows:

"SEC. 84. Jurisdiction conferred on any court by section 81 shall not be exercised by such court after June 30, 1942, except in respect of any proceeding initiated by filing a petition under section 83 (a) on or prior to June 30, 1942."

Approved, June 28, 1940.

[CHAPTER 439]

AN ACT

June 28, 1940
[H. R. 5138]
[Public, No. 670]

To prohibit certain subversive activities; to amend certain provisions of law with respect to the admission and deportation of aliens; to require the fingerprinting and registration of aliens; and for other purposes.

Alien Registration Act, 1940.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

Interference with loyalty, etc., of U. S. military or naval forces.

Urging disloyalty, etc.

Distribution of printed matter urging disloyalty, etc.

"Military or naval forces of the United States" defined.
39 Stat. 166.

SECTION 1. (a) It shall be unlawful for any person, with intent to interfere with, impair, or influence the loyalty, morale, or discipline of the military or naval forces of the United States—

(1) to advise, counsel, urge, or in any manner cause insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States; or

(2) to distribute any written or printed matter which advises, counsels, or urges insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States.

(b) For the purposes of this section, the term "military or naval forces of the United States" includes the Army of the United States, as defined in section 1 of the National Defense Act of June 3, 1916, as amended (48 Stat. 153; U. S. C., title 10, sec. 2), the Navy, Marine Corps, Coast Guard, Naval Reserve, and Marine Corps Reserve of the United States; and, when any merchant vessel is commissioned in the Navy or is in the service of the Army or the Navy, includes the master, officers, and crew of such vessel.

SEC. 2. (a) It shall be unlawful for any person—

(1) to knowingly or willfully advocate, abet, advise, or teach the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or by the assassination of any officer of any such government;

(2) with the intent to cause the overthrow or destruction of any government in the United States, to print, publish, edit, issue, circulate, sell, distribute, or publicly display any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence;

(3) to organize or help to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any government in the United States by force or violence; or to be or become a member of, or affiliate with, any such society, group, or assembly of persons, knowing the purposes thereof.

(b) For the purposes of this section, the term "government in the United States" means the Government of the United States, the government of any State, Territory, or possession of the United States, the government of the District of Columbia, or the government of any political subdivision of any of them.

SEC. 3. It shall be unlawful for any person to attempt to commit, or to conspire to commit, any of the acts prohibited by the provisions of this title.

SEC. 4. Any written or printed matter of the character described in section 1 or section 2 of this Act, which is intended for use in violation of this Act, may be taken from any house or other place in which it may be found, or from any person in whose possession it may be, under a search warrant issued pursuant to the provisions of title XI of the Act entitled "An Act to punish acts of interference with the foreign relations, the neutrality and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes", approved June 15, 1917 (40 Stat. 228; U. S. C., title 18, ch. 18).

SEC. 5. (a) Any person who violates any of the provisions of this title shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than ten years, or both.

(b) No person convicted of violating any of the provisions of this title shall, during the five years next following his conviction, be eligible for employment by the United States, or by any department or agency thereof (including any corporation the stock of which is wholly owned by the United States).

Advocating overthrow of any government in U. S. by force, etc.

Distribution, etc., of printed matter advocating such overthrow.

Organizing or affiliating with societies, etc., advocating such overthrow.

"Government in the United States" defined.

Attempting, etc., to commit any of prohibited acts.

Removal of forbidden printed, etc., matter under search warrant.

Penalty.

Restriction on U. S. employment of convicted person.

TITLE II

SEC. 20. Section 19 of the Immigration Act of February 5, 1917 (39 Stat. 889; U. S. C., title 8, sec. 155), as amended, is amended by inserting, after "SEC. 19.", the letter "(a)", and by adding at the end of such section the following new subsections:

"(b) Any alien of any of the classes specified in this subsection, in addition to aliens who are deportable under other provisions of law, shall, upon warrant of the Attorney General, be taken into custody and deported:

"(1) Any alien who, at any time within five years after entry, shall have, knowingly and for gain, encouraged, induced, assisted, abetted, or aided any other alien to enter or to try to enter the United States in violation of law.

Immigration Act of 1917, amendment.

Deportation of additional classes of aliens.

Aliens assisting, etc., in illegal entry of other aliens.

Aliens convicted of possessing, etc., designated weapons.

Aliens convicted under title I.

Deportation to await termination of imprisonment, etc.

Aliens of proved good moral character.

Departure in lieu of deportation.

Suspension of deportation; condition.

Suspensions of more than 6 months; report to Congress.

Deportation upon passage of adverse concurrent resolution.

Cancellation of deportation proceedings; exception.

Recording alien's admission for permanent residence.

If alien a quota immigrant; action required.

43 Stat. 160.

Designated provisions not applicable to certain aliens.
40 Stat. 1012.

"(2) Any alien who, at any time after entry, shall have on more than one occasion, knowingly and for gain, encouraged, induced, assisted, abetted, or aided any other alien or aliens to enter or to try to enter the United States in violation of law.

"(3) Any alien who, at any time after entry, shall have been convicted of possessing or carrying in violation of any law any weapon which shoots or is designed to shoot automatically or semi-automatically more than one shot without manual reloading, by a single function of the trigger, or a weapon commonly called a sawed-off shotgun.

"(4) Any alien who, at any time within five years after entry, shall have been convicted of violating the provisions of title I of the Alien Registration Act, 1940.

"(5) Any alien who, at any time after entry, shall have been convicted more than once of violating the provisions of title I of the Alien Registration Act, 1940.

No alien who is deportable under the provisions of paragraph (3), (4), or (5) of this subsection shall be deported until the termination of his imprisonment or the entry of an order releasing him on probation or parole.

"(c) In the case of any alien (other than one to whom subsection (d) is applicable) who is deportable under any law of the United States and who has proved good moral character for the preceding five years, the Attorney General may (1) permit such alien to depart the United States to any country of his choice at his own expense, in lieu of deportation, or (2) suspend deportation of such alien if not racially inadmissible or ineligible to naturalization in the United States if he finds that such deportation would result in serious economic detriment to a citizen or legally resident alien who is the spouse, parent, or minor child of such deportable alien. If the deportation of any alien is suspended under the provisions of this subsection for more than six months, all of the facts and pertinent provisions of law in the case shall be reported to the Congress within ten days after the beginning of its next regular session, with the reasons for such suspension. The Clerk of the House shall have such report printed as a public document. If during that session the two Houses pass a concurrent resolution stating in substance that the Congress does not favor the suspension of such deportation, the Attorney General shall thereupon deport such alien in the manner provided by law. If during that session the two Houses do not pass such a resolution, the Attorney General shall cancel deportation proceedings upon the termination of such session, except that such proceedings shall not be canceled in the case of any alien who was not legally admitted for permanent residence at the time of his last entry into the United States, unless such alien pays to the Commissioner of Immigration and Naturalization a fee of \$18 (which fee shall be deposited in the Treasury of the United States as miscellaneous receipts). Upon the cancellation of such proceedings in any case in which such fee has been paid, the Commissioner shall record the alien's admission for permanent residence as of the date of his last entry into the United States and the Secretary of State shall, if the alien was a quota immigrant at the time of entry and was not charged to the appropriate quota, reduce by one the immigration quota of the country of the alien's nationality as defined in section 12 of the Act of May 26, 1924 (U. S. C., title 8, sec. 212), for the fiscal year then current or next following.

"(d) The provisions of subsection (c) shall not be applicable in the case of any alien who is deportable under (1) the Act of October 16, 1918 (40 Stat. 1008; U. S. C., title 8, sec. 137), entitled 'An Act

to exclude and expel from the United States aliens who are members of the anarchist and similar classes', as amended; (2) the Act of May 26, 1922, entitled 'An Act to amend the Act entitled "An Act to prohibit the importation and use of opium for other than medicinal purposes", approved February 9, 1909, as amended' (42 Stat. 596; U. S. C., title 21, sec. 175); (3) the Act of February 18, 1931, entitled 'An Act to provide for the deportation of aliens convicted and sentenced for violation of any law regulating traffic in narcotics', as amended (46 Stat. 1171; U. S. C., title 8, sec. 156a); (4) any of the provisions of so much of subsection (a) of this section as relates to criminals, prostitutes, procurers, or other immoral persons, the mentally and physically deficient, anarchists, and similar classes; or (5) subsection (b) of this section."

SEC. 21. The Act entitled "An Act to provide for the deportation of aliens convicted and sentenced for violation of any law regulating traffic in narcotics", approved February 18, 1931, is amended—

(1) By striking out the words "and sentenced";

(2) By inserting after the words "any statute of the United States" the following: "or of any State, Territory, possession, or of the District of Columbia,"; and

(3) By inserting after the word "heroin" a comma and the word "marihuana".

SEC. 22. No alien shall be deportable by reason of the amendments made by section 20 or 21 on account of any act committed prior to the date of enactment of this Act.

SEC. 23. (a) The first paragraph of section 1 of the Act entitled "An Act to exclude and expel from the United States aliens who are members of the anarchistic and similar classes", approved October 16, 1918, as amended, is amended to read as follows:

"That any alien who, at any time, shall be or shall have been a member of any one of the following classes shall be excluded from admission into the United States:"

(b) Section 2 of such Act of October 16, 1918, as amended, is amended to read as follows:

"SEC. 2. Any alien who was at the time of entering the United States, or has been at any time thereafter, a member of any one of the classes of aliens enumerated in section 1 of this Act, shall, upon the warrant of the Attorney General, be taken into custody and deported in the manner provided in the Immigration Act of February 5, 1917. The provisions of this section shall be applicable to the classes of aliens mentioned in this Act, irrespective of the time of their entry into the United States."

Act of Feb. 18, 1931,
amendments,
46 Stat. 1171,
8 U. S. C. § 156a.

Acts committed
prior to enactment.

Act of Oct. 16, 1918,
amendments,
40 Stat. 1012,
8 U. S. C. § 137.

Exclusion, if mem-
ber of any one of
designated classes of
aliens.

40 Stat. 1012,
8 U. S. C. § 137.

Deportation.

39 Stat. 889,
8 U. S. C. § 155.

TITLE III

SEC. 30. No visa shall hereafter be issued to any alien seeking to enter the United States unless said alien has been registered and fingerprinted in duplicate. One copy of the registration and fingerprint record shall be retained by the consul. The second copy shall be attached to the alien's visa and shall be taken up by the examining immigrant inspector at the port of arrival of the alien in the United States and forwarded to the Department of Justice, at Washington, District of Columbia.

Any alien seeking to enter the United States who does not present a visa (except in emergency cases defined by the Secretary of State), a reentry permit, or a border-crossing identification card shall be excluded from admission to the United States.

SEC. 31. (a) It shall be the duty of every alien now or hereafter in the United States, who (1) is fourteen years of age or older, (2)

Registration and
fingerprinting of
aliens.
Issuance of visas.

Exclusion of aliens
not presenting visas,
etc.; exception.

Duty of aliens 14
years of age or older.

has not been registered and fingerprinted under section 30, and (3) remains in the United States for thirty days or longer, to apply for registration and to be fingerprinted before the expiration of such thirty days.

Duty of parent, etc., of alien less than 14 years of age.

Application in person on 14th birthday.

Application for registration, etc., time limitation.

Foreign government officials, etc., exempted.

Special regulations for designated aliens, etc.

Places for making application.

Duties of postmasters.

Disposition of registration, etc., records.

Designation of other places for registration, etc.

Forms for registration and fingerprinting.
Contents.

Availability of records.

Submission of information under oath.

(b) It shall be the duty of every parent or legal guardian of any alien now or hereafter in the United States, who (1) is less than fourteen years of age, (2) has not been registered under section 30, and (3) remains in the United States for thirty days or longer, to apply for the registration of such alien before the expiration of such thirty days. Whenever any alien attains his fourteenth birthday in the United States he shall, within thirty days thereafter, apply in person for registration and to be fingerprinted.

Sec. 32. Notwithstanding the provisions of sections 30 and 31—

(a) The application for the registration and fingerprinting, or for the registration, of any alien who is in the United States on the effective date of such sections may be made at any time within four months after such date.

(b) No foreign government official, or member of his family, shall be required to be registered or fingerprinted under this title.

(c) The Commissioner is authorized to prescribe, with the approval of the Attorney General, special regulations for the registration and fingerprinting of (1) alien seamen, (2) holders of border-crossing identification cards, (3) aliens confined in institutions within the United States, (4) aliens under order of deportation, and (5) aliens of any other class not lawfully admitted to the United States for permanent residence.

Sec. 33. (a) All applications for registration and fingerprinting under section 31 shall be made at post offices or such other places as may be designated by the Commissioner.

(b) It shall be the duty of every postmaster, with such assistance as shall be provided by the Commissioner, to register and fingerprint any applicant for registration and fingerprinting under such section, and for such purposes to designate appropriate space in the local post office for such registration and fingerprinting. Every postmaster shall forward promptly to the Department of Justice, at Washington, District of Columbia, the registration and fingerprint record of every alien registered and fingerprinted by him. The Commissioner may designate such other places for registration and fingerprinting as may be necessary for carrying out the provisions of this Act, and provide for registration and fingerprinting of aliens at such places by officers or employees of the Immigration and Naturalization Service designated by the Commissioner. The duties imposed upon any postmaster under this Act shall also be performed by any employees at the post office of such postmaster who are designated by the postmaster for such purpose.

Sec. 34. (a) The Commissioner is authorized and directed to prepare forms for the registration and fingerprinting of aliens under this title. Such forms shall contain inquiries with respect to (1) the date and place of entry of the alien into the United States; (2) activities in which he has been and intends to be engaged; (3) the length of time he expects to remain in the United States; (4) the criminal record, if any, of such alien; and (5) such additional matters as may be prescribed by the Commissioner, with the approval of the Attorney General.

(b) All registration and fingerprint records made under the provisions of this title shall be secret and confidential, and shall be made available only to such persons or agencies as may be designated by the Commissioner, with the approval of the Attorney General.

(c) Every person required to apply for the registration of himself or another under this title shall submit under oath the information

required for such registration. Any person authorized to register aliens under this title shall be authorized to administer oaths for such purpose.

SEC. 35. Any alien required to be registered under this title who is a resident of the United States shall notify the Commissioner in writing of each change of residence and new address within five days from the date of such change. Any other alien required to be registered under this title shall notify the Commissioner in writing of his address at the expiration of each three months' period of residence in the United States. In the case of an alien for whom a parent or legal guardian is required to apply for registration, the notices required by this section shall be given by such parent or legal guardian.

SEC. 36. (a) Any alien required to apply for registration and to be fingerprinted who willfully fails or refuses to make such application or to be fingerprinted, and any parent or legal guardian required to apply for the registration of any alien who willfully fails or refuses to file application for the registration of such alien shall, upon conviction thereof be fined not to exceed \$1,000 or be imprisoned not more than six months, or both.

(b) Any alien, or any parent or legal guardian of any alien, who fails to give written notice to the Commissioner of change of address as required by section 35 of this Act shall, upon conviction thereof, be fined not to exceed \$100, or be imprisoned not more than thirty days, or both.

(c) Any alien or any parent or legal guardian of any alien, who files an application for registration containing statements known by him to be false, or who procures or attempts to procure registration of himself or another person through fraud, shall, upon conviction thereof, be fined not to exceed \$1,000, or be imprisoned not more than six months, or both; and any alien so convicted within five years after entry into the United States shall, upon the warrant of the Attorney General, be taken into custody and be deported in the manner provided in sections 19 and 20 of the Immigration Act of February 5, 1917, as amended.

SEC. 37. (a) The Commissioner, with the approval of the Attorney General, is authorized and empowered to make and prescribe, and from time to time to change and amend, such rules and regulations not in conflict with this Act as he may deem necessary and proper in aid of the administration and enforcement of this title (including provisions for the identification of aliens registered under this title); except that all such rules and regulations, insofar as they relate to the performance of functions by consular officers or officers or employees in the Postal Service, shall be prescribed by the Secretary of State and the Postmaster General, respectively, upon recommendation of the Attorney General. The powers conferred upon the Attorney General by this Act and all other powers of the Attorney General relating to the administration of the Immigration and Naturalization Service may be exercised by the Attorney General through such officers of the Department of Justice, including officers of the Immigration and Naturalization Service, attorneys, special attorneys, and special assistants to the Attorney General, as he may designate specifically for such purposes.

(b) The Commissioner is authorized to make such expenditures, to employ such additional temporary and permanent employees, and to rent such quarters outside the District of Columbia as may be necessary for carrying out the provisions of this title.

SEC. 38. (a) For the purposes of this title—

(1) the term "United States", when used in a geographical sense, means the States, the Territories of Alaska and Hawaii, the District of Columbia, Puerto Rico, and the Virgin Islands;

Administering of oaths.

Notification of changes of residence, etc., by alien residents of U. S.

Other aliens.

Failure to apply for registration, etc.

Penalty.

Failure to give written notice of change of address.

Penalty.

Filing application containing false statements; fraud.

Penalty.

Deportation of designated aliens.

39 Stat. 889, 890.
8 U. S. C. §§ 155, 156.

Rules and regulations.

Identification of registered aliens.

Delegation of powers.

Authorization for expenditures, personal services, etc.

"United States" defined.

"Commissioner"
defined.

Effective dates.

Registration, etc., of
aliens in Canal Zone.

(2) the term "Commissioner" means the Commissioner of Immigration and Naturalization.

(b) The provisions of this title shall take effect upon the date of enactment of this Act; except that sections 30 and 31 shall take effect sixty days after the date of its enactment.

SEC. 39. The President is authorized to provide, by Executive order, for the registration and fingerprinting, in a manner as nearly similar to that provided in this title as he deems practicable, of aliens in the Panama Canal Zone.

TITLE IV

Separability clause.

SEC. 40. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Short title.

SEC. 41. This Act may be cited as the "Alien Registration Act, 1940".

Approved, June 28, 1940.

[CHAPTER 440]

AN ACT

To expedite national defense, and for other purposes.

June 28, 1940

[H. R. 9822]

[Public, No. 671]

National defense.
Advance payments
to contractors; limi-
tation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever in the opinion of the President of the United States such course would be in the best interests of national defense during the national emergency declared by the President on September 8, 1939, to exist, the Secretary of the Navy, or the Secretary of the Treasury in the case of Coast Guard contracts, is authorized to advance, from appropriations available therefor, payments to contractors in amounts not exceeding 30 per centum of the contract price, upon such terms as such Secretary shall prescribe, and adequate security for the protection of the Government for the payments so made shall be required. The Secretary concerned is further authorized in his discretion to make partial payments on the balance of the contract price from time to time during the progress of the work, such partial payments not to exceed the value of the work already done, but to be subject to a lien as provided by the Act of August 22, 1911 (37 Stat. 32; U. S. C., title 34, sec. 582), entitled "An Act authorizing the Secretary of the Navy to make partial payments for work already done under public contracts": *Provided*, That the Secretary concerned shall report every three months to the Congress the advance payments made under the authority of this section.

Security.

Partial paymentson
balance; limitation.

Lien.

Proviso.
Report to Congress.

Contracts for acqui-
sition, etc., of naval
vessels or aircraft.

SEC. 2. (a) That whenever deemed by the President of the United States to be in the best interests of the national defense during the national emergency declared by the President on September 8, 1939, to exist, the Secretary of the Navy is hereby authorized to negotiate contracts for the acquisition, construction, repair, or alteration of complete naval vessels or aircraft, or any portion thereof, including plans, spare parts, and equipment therefor, that have been or may be authorized, and also for machine tools and other similar equipment, with or without advertising or competitive bidding upon determination that the price is fair and reasonable, and deliveries of material under all orders placed pursuant to the authority of this section and all other naval contracts or orders and all Army contracts and orders shall, in the discretion of the President, take priority over all deliveries for private account or for export: *Provided*, That the Secretary of the Navy shall report every three months to the Congress the

Machine tools, etc.

Priority in deliv-
eries.

Provisos.
Report to Congress.

contracts entered into under the authority of this section: *Provided further*, That contracts negotiated pursuant to the provisions of this section shall not be deemed to be contracts for the purchase of such materials, supplies, articles, or equipment as may usually be bought in the open market within the meaning of section 9 of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (49 Stat. 2036; U. S. C., Supp. V, title 41, secs. 35-45): *Provided further*, That nothing herein contained shall relieve a bidder or contractor of the obligation to furnish the bonds under the requirements of the Act of August 24, 1935 (49 Stat. 793; 40 U. S. C. 270 (a) to (d)): *Provided further*, That the cost-plus-a-percentage-of-cost system of contracting shall not be used under the authority granted by this subsection to negotiate contracts; but this proviso shall not be construed to prohibit the use of the cost-plus-a-fixed-fee form of contract when such use is deemed necessary by the Secretary of the Navy: *And provided further*, That the fixed fee to be paid the contractor as a result of any contract entered into under the authority of this subsection, or any War Department contract entered into in the form of cost-plus-a-fixed-fee, shall not exceed 7 per centum of the estimated cost of the contract (exclusive of the fee as determined by the Secretary of the Navy or the Secretary of War, as the case may be).

(b) After the date of approval of this Act no contract shall be made for the construction or manufacture of any complete naval vessel or any Army or Navy aircraft, or any portion thereof, under the provisions of this section or otherwise, unless the contractor agrees, for the purposes of section 3 of the Act of March 27, 1934 (48 Stat. 505; 34 U. S. C. 496), as amended—

(1) to pay into the Treasury profit in excess of 8 per centum (in lieu of the 10 per centum and 12 per centum specified in such section 3) of the total contract prices of such contracts within the scope of this subsection as are completed by the particular contracting party within the income taxable year;

(2) that any profit in excess of 8.7 per centum of the cost of performing such contracts except prime contracts made on a cost-plus-a-fixed-fee basis as are completed by the contracting party within the income taxable year shall be considered to be profit in excess of 8 per centum of the total contract prices of such contracts; and

(3) that he will make no subcontract which is within the scope of such section 3, unless the subcontractor agrees to the foregoing conditions.

SEC. 3. The provisions of section 3 of the Act of March 27, 1934 (48 Stat. 505), as amended by the Acts of June 25, 1936 (49 Stat. 1926), and April 3, 1939 (53 Stat. 560; U. S. C., Supp. V, title 34, sec. 496), and as made applicable to contracts for aircraft or any portion thereof for the Army by such Act of April 3, 1939, shall, in the case of contracts or subcontracts entered into after the date of approval of this Act and during the period of the national emergency declared by the President on September 8, 1939, to exist, be limited to contracts or subcontracts where the award exceeds \$25,000.

SEC. 4. In the case of every contract or subcontract for the construction or manufacture of any complete naval vessel or Army or Navy aircraft or any portion thereof which is entered into (whether before or after the date of approval of this Act), the Secretary of War or the Secretary of the Navy, as the case may be, after agreement with the contractor or subcontractor, shall certify to the Com-

Contracts, restriction on meaning.

Bonds.

40 U. S. C., Supp. V, §§ 270a-270d.
Cost-plus contracts.

Limitation on fixed fee.
Ante, pp. 395, 401; *post*, p. 973.

Contract agreement.
Post, pp. 883, 1003.

34 U. S. C., Supp. V, § 496.

Profit in excess of 8 per centum, disposition.

Profit in excess of 8.7 per centum of cost of performing contracts.

Assent to conditions by subcontractor.

Designated provisions limited to contracts, etc., in excess of \$25,000.

Certification to Commissioner of Internal Revenue.

Necessity and cost, etc., to facilitate completion in private plants.

Percentage of cost chargeable against contracts.

Certification subject to regulations, etc.

34 U. S. C., Supp. V, § 496.

Reduction of contract price.

Reduction of cost of special equipment, etc.

Proviso.
Report to Congress.

Regular working hours of Navy Department and Coast Guard.

Provisos.
Extension of hours.

Overtime compensation for monthly, per diem, etc., employees.

34 U. S. C. § 505.

5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.
Overtime compensation of per annum Government employees.

Authorization for suspension of provisions of designated Act, etc.

Regulations.

missioner of Internal Revenue as to (a) the necessity and cost of special additional equipment and facilities acquired to facilitate, during the national emergency declared by the President on September 8, 1939, to exist, the completion of such naval vessel or Army or Navy aircraft or portion thereof in private plants; and (b) the percentage of cost of such special additional equipment and facilities to be charged against such contract or subcontract. For all purposes of section 3 of the Act of March 27, 1934 (48 Stat. 505; 34 U. S. C. 496), as amended, such certification shall be subject to such regulations as the President may prescribe, but shall be binding upon the Commissioner of Internal Revenue, unless, within five days after receipt of such certification, he make formal objection thereto to the Secretary of the Navy or the Secretary of War as the case may be. The part of such cost chargeable against the contract or subcontract in pursuance of such certification, shall, for the purposes of such section 3, be considered to be a reduction of the contract price of the contract or subcontract. The amount charged against the contract or subcontract in pursuance of such certification shall, for the purposes of such section 3, be applied against and reduce the cost or other basis of such special additional equipment and facilities as of the date of installation thereof: *Provided*, That the Secretary of War or the Secretary of the Navy, as the case may be, shall report to the Congress, every three months, the cost of such special additional equipment and facilities to be borne by the Government under each contract.

SEC. 5. (a) Notwithstanding the provisions of any other law, the regular working hours of the Navy Department and the Coast Guard and their field services shall be eight hours a day or forty hours per week during the period of the national emergency declared by the President on September 8, 1939, to exist: *Provided*, That under such regulations as the head of the Department concerned may prescribe, and where additional employees cannot be obtained to meet the exigencies of the situation, these hours may be exceeded: *Provided further*, That compensation for employment in excess of forty hours in any administrative workweek computed at a rate not less than one and one-half times the regular rate shall be paid only to monthly, per diem, hourly, and piece-work employees, whose wages are set by the Act of July 16, 1862 (12 Stat. 587), as amended or modified; and also to professional and subprofessional employees and to blue-printers, photostat and rotaprint operators, inspectors, supervisory planners and estimators, and supervisory progressmen, and assistants to shop and plant superintendents of the CAF service, as defined by the Classification Act of March 4, 1923 (42 Stat. 1488; U. S. C. 5, ch. 13), as amended: *Provided further*, That in determining the overtime compensation of per annum Government employees the pay for one day shall be considered to be one three-hundred-and-sixtieth of their respective per annum salaries: *Provided further*, That the President is authorized to suspend, in whole or in part, for the War and Navy Departments and for the Coast Guard and their field services, during the period of the national emergency declared by him on September 8, 1939, to exist, the provisions of the Act of March 3, 1931 (46 Stat. 1482; U. S. C. 5, 26 (a)), if in his judgment such course is necessary in the interest of national defense, and any regulations issued pursuant to the Act of March 14, 1936 (49 Stat. 1161; U. S. C. Supp. V, title 5, sec. 29 (a)), may be modified accordingly: *And provided further*, That notwithstanding the provisions of any other law, the President is hereby authorized, in his discretion, to prescribe regulations to establish such uniformity among the War and Navy Departments and the Coast Guard and their field services

in regard to hours of work and compensation for overtime of their civilian employees as he may deem necessary in the interest of national defense.

(b) During the national emergency declared by the President on September 8, 1939, to exist, the provisions of the law prohibiting more than eight hours' labor in any one day of persons engaged upon work covered by Army, Navy, and Coast Guard contracts shall be suspended.

SEC. 6. Notwithstanding the provisions of section 2 of the Act of May 29, 1930 (46 Stat. 468), and section 204 of the Act of June 30, 1932 (47 Stat. 404), any person heretofore or hereafter retired under the Civil Service Retirement Act of May 29, 1930, as amended, may be reemployed in the service of the War and Navy Departments: *Provided*, That there shall be deducted and withheld from the basic salary, pay, or compensation of such person and credited to his account as provided in section 12 (a) of the Act of May 29, 1930, as amended, the regular deductions prescribed by the said Act: *Provided further*, That upon separation from the service for any cause such person may elect to receive a refund of the total deductions so withheld together with interest at 4 per centum per annum compounded on June 30 of each year, or receive credit for the additional service in the computation of any annuity awarded thereafter: *Provided further*, That payment of the annuity of such person shall be suspended during the period of such employment: *Provided further*, That during the national emergency declared by the President on September 8, 1939, to exist, the provisions of section 6 of the Act of August 24, 1912 (37 Stat. 555; U. S. C., title 5, sec. 652), shall not apply to any civil-service employee of the War or Navy Departments or of the Coast Guard, or their field services, whose immediate removal is, in the opinion of the Secretary concerned warranted by the demands of national security, but nothing herein shall be construed to repeal, modify, or suspend the proviso in that section. Those persons summarily removed under the authority of this section may, if in the opinion of the Secretary concerned, subsequent investigation so warrants, be reinstated, and if so reinstated shall be allowed compensation for the period of such removal at the rate they were receiving on the date of removal: *And provided further*, That within thirty days after such removal any such person shall have an opportunity personally to appear before the official designated by the Secretary concerned and be fully informed of the reasons for such removal, and to submit, within thirty days thereafter, such statement or affidavits, or both, as he may desire to show why he should be retained and not removed.

SEC. 7. The Act of March 14, 1936, entitled "An Act to provide for vacations to Government employees and for other purposes" (49 Stat. 1161) is hereby amended by adding, after section 7, a new section to read as follows:

"SEC. 8. Employees of the Navy Department and the Naval Establishment and of the Coast Guard may, during the period of the national emergency declared by the President on September 8, 1939, to exist, be employed during the time they would otherwise be on vacation without deprivation of their vacation pay for the time so worked. Employees who forego their vacations in accordance with the provisions of this section may be paid, in addition to their regular pay, the equivalent of the pay they would have drawn during the period of such vacation. The provisions of this section shall be applicable only to employees whose services at the time cannot, in the judgment of the Secretary of the Navy or the Secretary of the Treasury, as the case may be, be spared without detriment to the national defense."

Suspension of 8-hour-day labor provisions.

Reemployment of retired employees.
46 Stat. 469.
5 U. S. C. §§ 715, 715a.

Provisos.
Deductions for retirement fund.
46 Stat. 476.
5 U. S. C. § 724 (a).

Separation from service; disposition of deductions.

Suspension of annuity payments.

Nonapplication of designated provisions.

Exception.

Reinstatement of removed employees.

Rights of removed employees.

5 U. S. C., Supp. V, §§ 29a-30e.

Payments to employees foregoing vacations.

Limitation on cost of authorized vessels, etc., increased.

Provisos.
Suspension of limitations on payments to designated employees.

Additional personnel, etc., authorized.

Providing of Government facilities for production of defense items.

Provisos.
Taking over and operating of private facilities.
Post, p. 893.

Compensation to owner.
Post, p. 893.
Report to Congress.

Modification of existing contracts.

Approval of Secretary of the Navy; effect.

Restrictions on aliens employed by contractor; exception.

Penalty.

Alien obtaining employment by fraud.

SEC. 8. (a) The limit of cost of the vessels authorized by the Act of July 30, 1937 (50 Stat. 544), and any statutory limitation with respect to the cost of any other individual naval project of construction are hereby increased as may be necessary to expedite national defense and otherwise effectuate the purposes of this Act: *Provided*, That the monetary limitations on payments out of appropriations available to the Navy Department for employees in the Navy Department and for employees in the field service assigned to group IV (b) and those performing similar services carried under the Native and Alien Schedules of Wages of civil employees in the field services of the Navy Department shall be suspended during the limited national emergency declared by the President on September 8, 1939, to exist: *Provided further*, That the Secretary of the Navy is authorized to employ such additional personnel at the seat of government and elsewhere, and to provide out of any appropriations available to the Navy Department, for their salaries and for such printing and binding, communication service, supplies, and travel expenses, as he may deem necessary to carry out the purposes of this Act.

(b) Whenever the Secretary of the Navy finds it impossible to make contracts or obtain facilities to effectuate the purposes of this Act in the procurement or construction of items authorized in connection with national defense he is hereby authorized to provide, out of appropriations available to the Navy Department for such purposes, the necessary buildings, facilities, utilities, and appurtenances thereto on Government owned land or elsewhere, and to operate them, either by means of Government personnel or otherwise: *Provided*, That the Secretary of the Navy is further authorized, under the general direction of the President, whenever he deems any existing manufacturing plant or facility necessary for the national defense, and whenever he is unable to arrive at an agreement with the owner of any such plant or facility for its use or operation, to take over and operate such plant or facility either by Government personnel or by contract with private firms: *Provided further*, That the Secretary of the Navy is authorized to fix the compensation to the owner of such plant or facility: *And provided further*, That the Secretary of the Navy shall report to the Congress, every three months, the contracts entered into under the provisions of this subsection.

SEC. 9. The Secretary of the Navy and the Secretary of the Treasury are hereby authorized to modify existing contracts, including Coast Guard contracts, as the Secretary concerned may deem necessary to expedite military and naval defense, and to otherwise effectuate the purposes of this Act.

SEC. 10. Hereafter the approval of the Secretary of the Navy, acting by direction of the President, shall constitute approval by the President as required by section 4 of the Act approved April 25, 1939 (53 Stat. 590, 592), necessary to the validity of any contract entered into under authority contained in said section.

SEC. 11. (a) No aliens employed by a contractor in the performance of secret, confidential, or restricted Government contracts shall be permitted to have access to the plans or specifications, or the work under such contracts, or to participate in the contract trials, unless the written consent of the head of the Government department concerned has first been obtained, and any person who willfully violates or through negligence permits the violation of the provisions of this subsection shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(b) Any alien who obtains employment on secret, confidential, or restricted Government contracts by willful misrepresentation of his

alien status, or who makes such willful misrepresentation while seeking such employment, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(c) For the purpose of this section, the term "person" shall be construed to include an individual, partnership, association, corporation, or other business enterprise.

SEC. 12. The provisions of all preceding sections of this Act shall terminate June 30, 1942, unless the Congress shall otherwise provide.

SEC. 13. Section 6 of the Act approved June 30, 1936 (49 Stat. 2036; U. S. C., Supp. V, title 41, secs. 35-45), is hereby amended by adding "*Provided*, That whenever in his judgment such course is in the public interest, the President is authorized to suspend any or all of the representations and stipulations contained in section 1 of this Act".

SEC. 14. (a) Notwithstanding the provision of any other law, no military or naval weapon, ship, boat, aircraft, munitions, supplies, or equipment, to which the United States has title, in whole or in part, or which have been contracted for, shall hereafter be transferred, exchanged, sold, or otherwise disposed of in any manner whatsoever unless the Chief of Naval Operations in the case of naval material, and the Chief of Staff of the Army in the case of military material, shall first certify that such material is not essential to the defense of the United States.

(b) The Secretary of War and the Secretary of the Navy as the case may be are hereby requested and directed to furnish or cause to be furnished to the respective chairmen of the Committees on Military Affairs and the Committees on Naval Affairs of the Senate and House of Representatives a copy of each contract, order, or agreement covering exchange of deteriorated, unserviceable, obsolescent, or surplus military or naval equipment, munitions, or supplies exchanged for other military or naval equipment, munitions or supplies, and a copy of each contract, order, or agreement shall be furnished regarding any other disposition of military or naval equipment, munitions and supplies by which the title passes, either de jure or de facto, from the United States, or by which delivery of material thereunder is deferred, where the original cost of such military or naval equipment, munitions or supplies exceeded or exceeds \$2,000. The copies of each contract, order or agreement herein referred to shall be transmitted to the respective chairmen of the committees not later than twenty-four hours after such contract, order or agreement is made, and the chairman of each committee shall consider such contracts, orders or agreements confidential unless a majority of the members of his committee shall direct the particular transaction to be made public.

(c) Nothing herein shall be construed to repeal or modify sections 3 and 6, title V of the Act approved June 15, 1917 (40 Stat. 222; U. S. C., title 18, secs. 33 and 36).

TITLE II

SEC. 201. In connection with the national defense program, the Navy and War Departments and the United States Housing Authority are hereby authorized to cooperate in making necessary housing available for persons engaged in national defense activities, as hereinafter provided. "Persons engaged in national defense activities" (as that term is used in this title) shall include (i) enlisted men with families, who are in the naval and military service (excluding officers) and employees of the Navy and War Departments who are

Penalty.

"Person" defined.

Date of termination; exception.

Government contracts.

Proviso.
Suspension of designated stipulations, etc.

Prohibition on transfer, etc., of military or naval weapons, ships, etc.
Post, p. 1091.

Exception.

Disposition of surplus, etc., military or naval equipment.
Copies of contracts, etc., to be furnished chairmen of designated committees.

Time requirement.

Contracts, etc., considered confidential; exception.

Designated provisions not repealed, etc.

Housing for "persons engaged in national defense activities."
Post, pp. 883, 1115, 1125.

Term defined.

Approval of projects by President.	assigned to duty at naval or military reservations, posts, or bases, and (ii) workers with families, who are engaged or to be engaged in industries connected with and essential to the national defense program. No project shall be developed or assisted for the purposes of this title except with the approval of the President and upon a determination by him that there is an acute shortage of housing in the locality involved which impedes the national defense program.
Projects for designated dwellings.	SEC. 202. (a) Projects may be initiated hereunder by the Navy or War Department to provide dwellings on or near naval or military reservations, posts or bases for rental to the enlisted men and employees of the Navy and War Departments described in section 201. Such projects shall be developed by the Navy or War Department or by the Authority, whichever the President determines is better suited to the fulfillment of the purposes of this title with respect to any particular project. If the development of such project is to be undertaken by the Navy or War Department, the Authority is authorized to aid the development of the project by furnishing technical assistance and by transferring to such Department the funds necessary for the development of the project. Any project developed for the purpose of this section shall be leased to the Navy or War Department by the Authority (which shall have title to such project until repayment of the cost thereof to the Authority as prescribed in such lease) upon such terms as shall be prescribed in the lease, which may be the same terms as are authorized by the United States Housing Act of 1937, as amended, with respect to leases to public housing agencies. All the provisions of said Act which apply to the development of projects by the Authority shall (insofar as applicable and not inconsistent herewith) apply to the development of projects by the Navy or War Department. Notwithstanding other provisions of this or any other law, the Department leasing a project shall have the same jurisdiction over such project as it has over the reservation, post or base in connection with which the project is developed.
Development.	
Technical assistance, etc., from Authority.	
Leasing of project.	
50 Stat. 888. 42 U. S. C., Supp. V, §§ 1401-1430.	
Jurisdiction over project.	
Acquisition of real, etc., property.	(b) The Navy or War Department, in connection with any project developed or leased by it, and the Authority, in connection with any project developed or assisted by it, for the purposes of this title, may acquire real or personal property or any interest therein by purchase, eminent domain, gift, lease or otherwise. The provisions of section 355 of the Revised Statutes shall not apply to the acquisition of any real property by the Navy or War Department or by the Authority for the purposes of this title or to the project developed thereon, and the provisions of section 321 of the Act of June 30, 1932 (U. S. C. 1934 edition, title 40, sec. 303b), shall not apply to any lease of any project developed for the purposes of this title or of any dwelling therein. Condemnation proceedings instituted by the Authority shall be in its own name and the practice and procedure governing such proceedings by the United States shall be followed, and the Authority shall likewise be entitled to proceed in accordance with the provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), and an Act of Congress approved March 1, 1929 (45 Stat. 1415). If the Authority acquires land in connection with a project to be assisted for the purposes of this title, it may convey such land to the public housing agency involved for a consideration equal to the cost of the land to the Authority. The Navy and War Departments and the Authority may negotiate, contract and fix such fees as they determine are reasonable for the services of architects, engineers, surveyors, appraisers, title examiners and real estate negotiators in connection with specific projects developed by them under this title. The Secretaries of Navy and War are hereby authorized to make available to the Authority any
Inapplicability of R. S. § 355, etc. 40 U. S. C. § 255. <i>Post</i> , p. 1083.	
47 Stat. 412.	
Condemnation proceedings.	
40 U. S. C. §§ 258a-258e, 361-386. Land conveyances by Authority.	
Fees of architects, etc.	
Leased land; when available to Authority.	

land that is needed for a project to be developed by the Authority and leased to the Navy or War Department and to execute such leases, agreements and other instruments with the Authority as may be necessary to carry out the purposes of this title.

SEC. 203. In any localities where the President determines that there is an acute shortage of housing which impedes the national defense program and that the necessary housing would not otherwise be provided when needed for persons engaged in national defense activities, the Authority may undertake the development and administration of projects to assure the availability of dwellings in such localities for such persons and their families, or the Authority may extend financial assistance to public housing agencies for the development and administration of such projects. Such financial assistance to public housing agencies shall be extended (except as otherwise provided herein and not inconsistent herewith) under the provisions of, and in the same manner and forms as provided in, title I of the United States Housing Act of 1937, as amended, with respect to other housing projects.

SEC. 204. Any contract made for financial assistance under the United States Housing Act of 1937, as amended, may be revised so as to provide that the project involved will be assisted for any of the purposes of this title. The Navy or War Department or the Authority, in the administration of any project developed for the purposes of this title, shall fix rentals for persons engaged in national defense activities and their families which will be within their financial reach, and the Authority, in any contract for financial assistance or any lease of such a project, shall require the fixing of such rentals. Projects developed by the Navy or War Department, or developed or assisted by the Authority, for the purposes of this title shall not be subject to the elimination requirements of sections 10 (a) and 11 (a) of said Act, or to any provisions of section 9 of said Act which would require any part of the development cost thereof to be met in any manner other than from funds loaned or furnished by the Authority. Funds expended for the purposes of this title shall be excluded in determining, for the purposes of section 21 (d) of said Act, the amounts expended within each State. Except as otherwise provided herein or as may be inconsistent herewith, all the provisions of title I of said Act shall apply to this title. During the period when the President determines that in any locality there is an acute need for housing to assure the availability of dwellings for persons engaged in national defense activities, dwellings in a project developed or assisted in said locality which are devoted to the purposes of providing housing for persons engaged in national defense activities shall not be subject to sections 2 (1) and 2 (2) of the United States Housing Act of 1937, as amended, and during such period such projects shall be deemed projects of a low-rent character for the purposes of any of the applicable provisions in title I of said Act.

SEC. 205. The Authority may use for the purposes of this title any of the funds or authorizations heretofore or hereafter made available to it. The provisions of title I of this Act shall not apply to this title.

Approved, June 28, 1940.

Development, etc., of projects to relieve acute housing shortage.

Extension of financial assistance.

50 Stat. 888.
42 U. S. C., Supp. V, §§ 1401-1430.

Revision of financial assistance contracts.
50 Stat. 888.
42 U. S. C., Supp. V, §§ 1401-1430.
Fixing of rentals.

50 Stat. 891, 893.

Exclusion of funds.
50 Stat. 898.
Provisions applicable.

Provisions inapplicable.

50 Stat. 888.

Funds available.

Provisions inapplicable.

[CHAPTER 441]

AN ACT

June 29, 1940
[H. R. 8450]
[Public, No. 672]

To extend for two additional years the reduced rates of interest on Federal land bank and Land Bank Commissioner loans.

Federal Farm Loan Act, amendment.
48 Stat. 43.
12 U. S. C. § 771; Supp. V, § 771.
Reduced rate of interest, time extension.

Interest on "purchase money mortgages."

Time limit for final payments.

Emergency Farm Mortgage Act, amendment.
50 Stat. 521.
12 U. S. C., Supp. V, § 1016 (i).

Limitation on rates of interest.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of paragraph "Twelfth" of section 12 of the Federal Farm Loan Act, as amended (relating to the 3½ per centum interest rate on Federal land bank loans), is amended by striking out "occurring within a period of five years, commencing July 1, 1935" and inserting in lieu thereof "occurring within a period of 7 years commencing July 1, 1935". The provisions of such paragraph "Twelfth" of section 12 of such Act shall be applicable to interest on so-called "purchase money mortgages" in the case of interest payable on installment dates occurring after the date of the enactment of this Act.

(b) The fourth sentence of such paragraph "Twelfth" (relating to the 1940 time limit on payments made by the United States to land banks on account of such interest reduction) is amended to read as follows: "No payments shall be made to a bank with respect to any period after June 30, 1942."

Sec. 2. The last paragraph of section 32 of the Emergency Farm Mortgage Act, as amended (relating to reduction in the interest rate on loans by the Land Bank Commissioner), is amended to read as follows:

"Notwithstanding the foregoing provisions of this section, the rate of interest on loans made under this section shall not exceed 4 per centum per annum for all interest payable on installment dates occurring on or after July 22, 1937, and prior to July 1, 1940, and shall not exceed 3½ per centum per annum for all interest payable on installment dates occurring on or after July 1, 1940, and prior to July 1, 1942."

Approved, June 29, 1940.

[CHAPTER 442]

JOINT RESOLUTION

June 29, 1940
[S. J. Res. 260]
[Pub. Res., No. 89]

To make emergency provision for the maintenance of essential vessels affected by the Neutrality Act of 1939, and for adjustment of obligations with respect to such vessels.

Vessels affected by Neutrality Act of 1939. "Essential vessel" defined.

49 Stat. 1985.
46 U. S. C., Supp. V, ch. 27.

Restricted operation of essential vessels.

Ante, p. 4.
22 U. S. C., Supp. V, §§ 245j-245j-19.

Adjustments of obligations; maintenance.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) when used in this joint resolution the term "essential vessel" means any vessel (1) which is (A) security for any mortgage indebtedness to the United States or (B) constructed under the Merchant Marine Act, 1936, or required by the terms of a contract under such Act to be operated on a certain essential foreign trade route, and (2) which it is necessary in the interests of commerce and national defense to maintain in condition for prompt use.

(b) For the purposes of preserving in the national interest the full availability and usefulness of essential vessels, which, under the provisions of the Neutrality Act of 1939 (or any proclamation issued thereunder), or compatibly with the national interest, cannot be operated in the service, route, or line to which such vessels are assigned pursuant to the Merchant Marine Act, 1936, or in which they would otherwise be operated, the United States Maritime Commission is authorized to make adjustments of obligations in respect of such vessels and to make arrangements for the maintenance of such vessels, subject to the provisions of this joint resolution and to such rules and regulations as the Commission shall prescribe as necessary

or appropriate for carrying out the purposes and provisions of this joint resolution. If the Commission, upon written application in respect of any essential vessel, determines after such examination, investigation, and proceedings as it deems desirable, that (1) the operation of such vessel in the service, route, or line to which such vessel is assigned pursuant to the Merchant Marine Act, 1936, or in which it would otherwise be operated, is either (A) not lawful under the Neutrality Act of 1939 (or any proclamation issued thereunder), or (B) not compatible with the maintenance of availability of such vessel for purposes of national defense and commerce, (2) it is not feasible under existing law to employ such vessel in any other service or operation in either the foreign or domestic trades (except temporary or emergency operation under subsection (c) (5) hereof), and (3) the applicant, by reason of the restrictions of the Neutrality Act of 1939, or the withdrawal of vessels for national-defense purposes under clause (1) hereof, is not earning or will not earn a fair and reasonable return on the capital necessarily employed in its business, the Commission may make adjustments and arrangements with the applicant as provided in subsection (c) hereof, which shall continue in effect only during the circumstances above described.

(c) Such adjustments and arrangements shall include suspension of the requirement to operate such vessel in foreign trade under the applicable operating-differential or construction-differential subsidy contract or mortgage or other agreement, and of the right to operating-differential subsidy in respect of such vessel, and may include any one or more of the following provisions, in whole or in part, as, and to the extent that, the Commission may deem to be necessary or appropriate to carry out the purposes of the Merchant Marine Act, 1936, or the purposes and provisions of this joint resolution:

(1) Lay-up of the vessel by the owner or, at the option of the Commission, in the custody of the Commission, with payment or reimbursement by the Commission of necessary and proper expenses thereof (including reasonable overhead and insurance), or in lieu of such payment or reimbursement, a fixed periodic allowance therefor;

(2) Postponement, for a period not in excess of the period or periods of lay-up, of the maturity date of each installment on account of the principal of obligations to the United States in respect of the vessel (whether or not such maturity date shall fall within such period or periods), or rearrangement of such maturities;

(3) Postponement or cancellation of interest accruing on such obligations during such period or periods of lay-up;

(4) Extension for a period not in excess of the period or periods of lay-up, of the twenty-year life limitation in respect of the vessel, and of the period or periods of other limitations and provisions of the Merchant Marine Act, 1936, insofar as they are based upon a twenty-year life;

(5) Provisions for such temporary or emergency employment of the vessel in lieu of lay-up as may be practicable, with such arrangements for management of the vessel, payment of expenses, and application of the proceeds of such employment, as the Commission may approve, the period or periods of such operation being included as part of the period or periods of lay-up;

(6) The payment to the Commission, upon termination of the arrangements with the applicant hereunder, out of the applicant's net profits, earned while such arrangements were in effect, in excess of 10 per centum per annum on the capital necessarily employed in the applicant's business, in reimbursement, to the extent that the Commission shall deem it necessary to carry out the purposes of this joint resolution, on account of obligations postponed or canceled and

Examination by Commission.

Factors considered.

49 Stat. 1985.
46 U. S. C., Supp. V, ch. 27.

Ante, p. 4.

Making of adjustments, etc.

Suspension of operation requirement, etc.

Provisions includible in adjustments, etc.

Payment for lay-up of vessel.

Postponement of principal payments on obligations to U. S.

Postponement, etc., of interest.

Extension of twenty-year life limitation, etc.

49 Stat. 1985.
46 U. S. C., Supp. V, ch. 27.

Temporary, etc., employment in lieu of lay-up.

Reimbursement to Commission out of excess net profits.

expenses incurred or paid by the Commission under this subsection. For the purposes of this paragraph capital of the applicant represented by vessels of the applicant laid up or operated under this joint resolution shall not be excluded from capital necessarily employed in the applicant's business. The Commission may require that the vessels so laid up or operated be security for reimbursement hereunder.

Modification of adjustments, etc.

(d) The adjustments and arrangements made under subsection (c) in respect of any vessel shall be subject to such readjustment or modification from time to time as may be deemed necessary by the Commission to carry out the purposes and provisions of this joint resolution.

Availability of funds.

(e) Moneys in the construction fund of the Commission shall be available for expenses of the Commission incurred in adjustments or arrangements made under this joint resolution.

Approved, June 29, 1940.

[CHAPTER 443]

AN ACT

June 29, 1940
[S. 2047]
[Public, No. 673]

To divest prize-fight films of their character as subjects of interstate or foreign commerce, and for other purposes.

Prize-fight films.
Interstate ship-
ments subject to
State, etc., laws.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every film or other pictorial representation of any prize fight or encounter of pugilists, under whatever name, transported into any State, Territory, or possession, for use, sale, storage, exhibition, or other disposition therein is hereby divested of its character as a subject of interstate or foreign commerce to the extent that it shall upon crossing the boundary of such State, Territory, or possession, be subject to the operation and effect of the laws of such State, Territory, or possession enacted in the exercise of its police power.

Repeal.

SEC. 2. The Act entitled "An Act to prohibit the importation and the interstate transportation of films or other pictorial representations of prize fights, and for other purposes", approved July 31, 1912 (U. S. C., title 18, secs. 405-407), is hereby repealed.

37 Stat. 240.

Approved, June 29, 1940.

[CHAPTER 444]

AN ACT

June 29, 1940
[S. 3927]
[Public, No. 674]

To provide for the administration of the Washington National Airport, and for other purposes.

Washington Na-
tional Airport.
Post, p. 1039.
Definitions.
"Administrator."
"Airport."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of this Act—

(a) "Administrator" means the Administrator of the Civil Aeronautics Authority.

(b) "Airport" means the Washington National Airport, which shall consist of, and include, the tract of land, together with all structures, improvements, and other facilities located thereon, lying partly in the District of Columbia and partly in the State of Virginia, particularly described as follows:

Description.

Commencing at a point of beginning, said point being the intersection of the property line of property owned by the Richmond, Fredericksburg and Potomac Railroad Company, and dredging base line at station 0+18.99 referenced south 6,808.21, west 9,078.02, running in a southeasterly direction on a bearing of south 22°51'18" east a distance of 6,270.91 feet, more or less, to station 62+89.90

of said dredging base line. Thence $13^{\circ}30'$ right on a bearing of south $9^{\circ}21'18''$ east a distance of 1,332.29 feet, more or less, to station 76+22.19 of said base line. Thence $11^{\circ}04'19''$ right on a bearing of south $1^{\circ}43'01''$ west a distance of 1,231.20 feet, more or less, to station 88+53.39 of said base line. Thence $12^{\circ}40'41''$ right on a bearing of south $14^{\circ}23'42''$ west a distance of 2,409.32 feet, more or less, to station 112+62.71 on said base line. Thence $1^{\circ}15'44.3''$ right on a bearing of south $15^{\circ}39'26.3''$ west a distance of 4,938.38 feet, more or less, to United States Coast and Geodetic Survey Station WATER, referenced south 22,220.86, west 8,395.54. Thence $17^{\circ}09'25.6''$ left on a bearing of south $1^{\circ}29'59.3''$ east a distance of 85.58 feet, more or less, to a corner of the property line between the United States of America and Smoot Sand and Gravel Corporation. Thence $85^{\circ}59'59.3''$ right on a bearing of south $84^{\circ}30'00''$ west a distance of 1,516.41 feet, more or less, to a monument located at a corner on the property line of the Richmond, Fredericksburg and Potomac Railroad Company, said monument being referenced south 22,451.75, west 9,902.73. Thence $85^{\circ}50'06.7''$ right on a bearing of north $8^{\circ}09'54''$ west a distance of 442.68 feet, more or less. Thence $5^{\circ}00'12''$ left on a bearing of north $13^{\circ}10'06''$ west a distance of 578.64 feet, more or less. Thence $4^{\circ}57'25''$ left on a bearing of north $18^{\circ}07'31''$ west a distance of 462.94 feet, more or less. Thence $1^{\circ}34'50''$ left on a bearing of north $19^{\circ}42'21''$ west a distance of 943.56 feet, more or less, to the point of a curve having an angle of $27^{\circ}52'45''$ right radius 1,241.15 feet, long chord 597.98 feet, on a bearing of north $5^{\circ}45'58''$ west. Thence along the arc of said curve a distance of 603.92 feet, more or less, to the point of tangency of said curve. Thence along a tangent to said curve on a bearing of north $8^{\circ}10'24''$ east a distance of 232.33 feet, more or less, to the point of a curve having an angle of $36^{\circ}59'09''$ left, radius 1,046 feet, long chord 663.56 feet on a bearing of north $10^{\circ}19'10.5''$ west. Thence along the arc of said curve a distance of 675.22 feet, more or less, to the point of tangency of said curve. Thence along a tangent to said curve on a bearing of north $28^{\circ}48'45''$ west a distance of 256.75 feet, more or less. Thence $30^{\circ}33'10''$ left on a bearing of north $59^{\circ}21'55''$ west a distance of 287.84 feet, more or less. Thence $40^{\circ}45'20''$ right on a bearing of north $18^{\circ}36'35''$ west a distance of 1,142.08 feet, more or less. Thence $5^{\circ}43'29''$ right on a bearing of north $12^{\circ}53'06''$ west a distance of 118.02 feet, more or less, to the point of a curve having an angle of $26^{\circ}20'50''$ right, radius 3,665.71 feet, long chord 1,670.85 feet on a bearing of north $0^{\circ}17'19''$ east. Thence along the arc of said curve a distance of 1,685.66 feet, more or less, to the point of tangency of said curve. Thence along a tangent to said curve on a bearing of north $13^{\circ}27'44''$ east a distance of 2,002.11 feet, more or less, to the point of a curve having an angle of $10^{\circ}36'25''$ left, radius 2,864.79 feet, long chord of 529.59 feet on a bearing of north $8^{\circ}09'31.5''$ east. Thence along the arc of said curve a distance of 530.25 feet, more or less, to the point of tangency of said curve. Thence along a tangent to said curve on a bearing of north $2^{\circ}51'19''$ east a distance of 124.53 feet, more or less. Thence $6^{\circ}57'52''$ left on a bearing of north $4^{\circ}06'33''$ west a distance of 571.33 feet, more or less. Thence $7^{\circ}22'39''$ left on a bearing of north $11^{\circ}29'12''$ west a distance of 811.63 feet, more or less. Thence $8^{\circ}16'52''$ right on a bearing of north $3^{\circ}12'20''$ east a distance of 70.41 feet, more or less, to the point of a curve having an angle of $7^{\circ}43'12''$ right, radius 5,479.58 feet, long chord 737.75 feet on a bearing of north $7^{\circ}03'56''$ east. Thence along the arc of said curve a distance of 738.31 feet, more or less, to the point of tangency of said curve, said point being on the old property line between Mary E. Cullinane and Milton Hopfenmaier property. Thence along said property line on a bear-

ing of north $75^{\circ}11'50''$ east a distance of 204.72 feet, more or less, to a monument marked U. S. D. 1-N. P. S., reference south 18,419.16, west 10,829.26. Thence along the same bearing of north $75^{\circ}11'50''$ east a distance of 215 feet, more or less. Thence $34^{\circ}36'06''$ left on a bearing of north $40^{\circ}35'44''$ east a distance of 1,509 feet, more or less, to the point of a curve having an angle of $5^{\circ}45'$ left, radius 7,239.41 feet, long chord of 723.20 feet, on a bearing of north $37^{\circ}53'14''$ east. Thence along the arc of said curve a distance of 726.51 feet, more or less, to the point of a compound curve having an angle of $6^{\circ}00'$ left, radius 2,217.01 feet, long chord of 232.06 feet on a bearing of north $32^{\circ}10'44''$ east. Thence along the arc of said curve a distance of 232.15 feet, more or less, to the point of a compound curve having an angle of $57^{\circ}01'20''$ left, radius 1,303.74, long chord 1,244.62, on a bearing of north $0^{\circ}40'04''$ east. Thence along the arc of said curve a distance of 1,297.22 feet, more or less, to the point of a compound curve having an angle of $7^{\circ}59'54.3''$ left, radius 2,217.01 feet, long chord 309.23 feet on a bearing of north $31^{\circ}49'33''$ west. Thence along the arc of said curve a distance of 310 feet, more or less, to the intersection of said curve with the property line of the Richmond, Fredericksburg and Potomac Railroad Company and the United States of America. Thence in a northeasterly direction along a bearing of north $34^{\circ}30'00''$ east a distance of 340 feet, more or less, to the point of beginning;

Exception.
Portion added to
Mount Vernon Me-
morial Highway.

excepting, however, such portion thereof as the President may, by Executive order or orders, prescribe, which portion shall be added to, and administered as part of, the Mount Vernon Memorial Highway, authorized by the Act approved May 23, 1928 (45 Stat. 721), as amended.

Powers and duties
of Administrator.

SEC. 2. The Administrator shall have control over, and responsibility for, the care, operation, maintenance, and protection of the airport, together with the power to make and amend such rules and regulations as he may deem necessary to the proper exercise thereof.

Authority to lease
property.

SEC. 3. The Administrator is empowered to lease, upon such terms as he may deem proper, space or property within or upon the airport for purposes essential or appropriate to the operation of the airport.

Approved, June 29, 1940.

[CHAPTER 445]

AN ACT

June 29, 1940
[H. R. 4587]
[Public, No. 675]

To give the Supreme Court of the United States authority to prescribe rules of pleading, practice, and procedure with respect to proceedings in criminal cases prior to and including verdict, or finding or plea of guilty.

U. S. Supreme
Court.
Rules of procedure
in criminal cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Supreme Court of the United States shall have the power to prescribe, from time to time, rules of pleading, practice, and procedure with respect to any or all proceedings prior to and including verdict, or finding of guilty or not guilty by the court if a jury has been waived, or plea of guilty, in criminal cases in district courts of the United States, including the district courts of Alaska, Hawaii, Puerto Rico, Canal Zone, and the Virgin Islands, in the Supreme Courts of Hawaii and Puerto Rico, in the United States Court for China, and in proceedings before United States commissioners. Such rules shall not take effect until they shall have been reported to Congress by the Attorney General at the beginning of a regular session thereof and until after the close of such session, and thereafter all laws in conflict therewith shall be of no further force and effect.

Effective date; re-
port to Congress.

Approved, June 29, 1940.

[CHAPTER 446]

AN ACT

To provide for leave of absence, with pay, for any employee of the United States or of the District of Columbia who may be called upon for jury service in any State court or court of the United States.

June 29, 1940
[H. R. 6507]
[Public, No. 676]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the compensation of any employee of the United States or of the District of Columbia who may be called upon for jury service in any State court or court of the United States shall not be diminished during the term of such jury service by reason of such absence, except as provided in section 3, nor shall such period of service be deducted from the time allowed for any leave of absence authorized by law.

U. S. or D. C. employees.
Absence for jury service; pay.

SEC. 2. Any employee specified in section 1 who may be called upon for jury service in any court of the United States shall not receive any compensation for such service.

Service in U. S. courts.

SEC. 3. There shall be credited against the amount of compensation payable by the United States to any employee specified in section 1 for such period as such employee may be absent on account of jury service in the court of any State any amounts which such employee may receive from such State on account of such jury service.

Service in State courts.

Approved, June 29, 1940.

[CHAPTER 447]

AN ACT

To amend the Merchant Marine Act, 1936, as amended, to provide for marine war-risk insurance and reinsurance and for marine risk reinsurance, and for other purposes.

June 29, 1940
[H. R. 6572]
[Public, No. 677]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the Merchant Marine Act, 1936, as amended, is amended by adding at the end thereof a subtitle to read as follows:

Merchant Marine Act, 1936, amendment.
49 Stat. 1985.
46 U. S. C., Supp. V, §§ 1111-1126.

"SUBTITLE—INSURANCE

"SEC. 221. (a) For the purpose of protecting the water-borne commerce of the United States from the impediments and burdens arising from the lack of adequate facilities for the insurance of such commerce, due to extraordinary risks arising under existing war conditions, the Commission is authorized to provide marine insurance and reinsurance against loss or damage by the risks of war and reinsurance against loss or damage by marine risks, as prescribed in this subtitle, whenever it appears to the Commission that such insurance adequate for the needs of the water-borne commerce of the United States cannot be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States.

U. S. Maritime Commission.
Marine war-risk insurance and reinsurance; marine-risk reinsurance.

"(b) There shall be in the Treasury of the United States a revolving fund to be known as the marine and war-risk insurance fund (hereinafter referred to as the fund), to be used for carrying out the provisions of this subtitle, and to be constituted of such sums as may be appropriated to such fund and of moneys and receipts credited thereto as herein provided. There are hereby authorized to be appropriated to such fund such sums as may be necessary to carry out the provisions of this subtitle. All moneys received from premiums and from salvage or other recoveries, and all receipts in connection with this subtitle shall be deposited to the credit of such

Marine and war-risk insurance fund.

Appropriation authorized.
Post, p. 766.
Deposit of receipts, etc.

Payments from fund.

fund. Payments of return premiums, losses, settlements, judgments, and all liabilities incurred by the United States under this subtitle shall be made from such fund.

Insurable property.

"SEC. 222. The Commission may insure against loss or damage by the risks of war, property, as follows:

American vessels;
cargoes, etc.
Proviso.
Contraband.

"(a) (1) American vessels (including vessels under construction), (2) cargoes shipped or to be shipped therein: *Provided*, That in the event of the suspension of the present neutrality law no vessel or its officers and crew, carrying contraband and no cargo of contraband shall be insured under any provision of this Act, (3) their disbursements, and freight and passage moneys, and (4) personal effects of the masters, officers, and crews of such vessels.

U. S.-owned commercial vessels; cargoes, etc.

"(b) (1) Commercial vessels (including vessels under construction) owned or controlled by the United States or any department or agency thereof, (2) cargoes owned by the Government or in which the Government has an insurable interest, to the extent of such interest, (3) their disbursements, and freight and passage moneys, and (4) personal effects of the masters, officers, and crews thereof.

Reinsurance of companies.

"SEC. 223. (a) The Commission may reinsure any company authorized to do an insurance business in any State of the United States on account of marine and marine war risks, including protection and indemnity risks, assumed by any such company, on (1) property or interests as set forth in section 222 (a) and (b) of this subtitle, and (2) masters, officers, and crews of American vessels (including any such vessel owned or controlled by or chartered to the Commission) against loss of life, personal injury, or detention by any government except that of the United States following capture.

War risks.

"(b) The Commission may reinsure, in whole or in part, with companies authorized to do an insurance business in a State of the United States, war risks assumed by the Commission under this subtitle.

Procurement of insurance by agencies, etc.

"(c) Any department or agency of the United States is hereby authorized to procure insurance from the Commission as provided for in section 222 (b) of this subtitle, except as provided in the Government Losses in Shipment Act, approved July 8, 1937 (50 Stat. 479).

5 U. S. C., Supp. V, §§ 134-134h.

War-risk insurance for masters, etc., of American vessels.

"SEC. 224. Whenever the Commission determines that insurance for masters, officers, and crews of American vessels against loss of life, personal injury, or detention by any government except that of the United States following capture, arising from risks of war, cannot, with the aid of reinsurance provided for under this subtitle, be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States, the Commission is authorized to provide such insurance on a basis corresponding to the war risk insurance protection supplied, prior to such determination, for such personnel by companies authorized to do business in a State of the United States.

Suits against U. S.

"SEC. 225. In the event of disagreement as to a claim for losses or the amount thereof, on account of insurance under this subtitle, an action on the claim may be brought and maintained against the United States in the district court of the United States sitting in admiralty in the district in which the claimant or his agent may reside, or in case the claimant has no residence in the United States, in a district court in which the Attorney General of the United States shall agree to accept service. Said suits shall proceed and shall be heard and determined according to the provisions of an Act entitled 'An Act authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and

attachment in foreign jurisdictions, and for other purposes', approved March 9, 1920, as amended (known as the Suits in Admiralty Act), insofar as such provisions are not inapplicable and are not contrary to or inconsistent with the provisions of this subtitle."

"SEC. 226. (a) The Commission in the administration of this subtitle is authorized to adjust and pay losses, compromise and settle claims whether in favor of or against the Government, and to pay the amount of any judgment rendered in respect of any suit or settlement agreed upon in respect of any claim. The determinations of the Commission with respect to adjustments, compromises, settlements, and payments hereunder shall not be subject to review by any other executive or accounting officer of the Government.

"(b) The Commission is authorized to prescribe such forms and policies, to change or modify such forms and policies as may be necessary or appropriate under the circumstances, and to fix and adjust, as may be required by circumstances, the rates and changes of rates of insurance provided for in this subtitle.

"(c) The Commission is authorized and directed to prescribe such rules and regulations as may be necessary or appropriate to carry out the provisions of this subtitle. The Commission is authorized, in administering the provisions of this subtitle, to exercise its powers, perform its duties and functions, and make its expenditures, in accordance with commercial practice in the marine insurance business.

"(d) The Commission, without regard to the laws, rules, or regulations relating to the employment of employees of the United States, may appoint and prescribe the duties of such number of experts in marine insurance as the Commission may deem necessary in carrying out the provisions of this subtitle. The Commission, with the consent of any executive department, independent establishment, or other agency of the Government, including any field service thereof, may avail itself of the use of information, services, facilities, officers, and employees thereof in carrying out the provisions of this subtitle.

"(e) The Commission shall include in the annual report to Congress a detailed statement of all activities and of all expenditures and receipts under this subtitle for the period covered by such report.

"(f) When used in this subtitle the term 'American vessels' means vessels registered, enrolled, or licensed under the laws of the United States.

"SEC. 227. Nothing in this subtitle shall be deemed to affect the rights of seamen under any provision of existing law.

"SEC. 228. All the provisions of this subtitle shall expire by limitation March 10, 1942, or sooner upon a proclamation by the President that the extraordinary condition upon which it is predicated is passed."

Approved, June 29, 1940.

[CHAPTER 448]

AN ACT

Authorizing the temporary detail of John L. Savage, an employee of the United States, to service under the Government of the State of New South Wales, Australia, and the Government of the Punjab, India.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized, if he finds that the public interest renders such a course advisable, to detail J. L. Savage, chief designing engineer of the Bureau of Reclamation, Department of the Interior, for temporary service under the Government of the State of New South Wales, Australia, and the Government of the Punjab, India. Such detail, if authorized by the President, shall be made in accord-

41 Stat. 525.
46 U. S. C. §§ 741-752; Supp. V, §§ 745-752.

Authority to compromise and settle claims, etc.

Determinations not subject to designated review.

Policies and rates of insurance.

Rules and regulations.

Personnel.

Report to Congress.

"American vessels" defined.

Rights of seamen.

Expiration date.

June 29, 1940

[H. R. 7254]

[Public, No. 678]

J. L. Savage.
Detail of, for service in Australia and India.

53 Stat. 652.
5 U. S. C., Supp. V,
§ 118e.

ance with and subject to the provisions of the Act of May 25, 1938 (52 Stat. 442), as amended May 3, 1939 (Public, Numbered 63, Seventy-sixth Congress).

Approved, June 29, 1940.

[CHAPTER 449]

AN ACT

To amend certain laws governing Federal prisoners, and for other purposes.

June 29, 1940
[H. R. 7343]
[Public, No. 679]

Parole of U. S.
prisoners.

Warrants to retake
prisoner violating
parole.

Original sentence
not diminished.

Officers authorized
to execute warrant.

Payment of ex-
penses.

Opportunity to
appear before Board
of Parole, etc.

Revocation of parole
order.

Inability to pay
fine, etc.

Application for hear-
ing.

Administration of
oath.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of May 13, 1930 (46 Stat. 272; U. S. C., title 18, sec. 723c), is amended to read as follows:

"SEC. 3. The said Board, or any member thereof, shall hereafter have the exclusive authority to issue warrants for the retaking of any United States prisoner who has violated his parole. The unexpired term of imprisonment of any such prisoner shall begin to run from the date he is returned to the custody of the Attorney General under said warrant, and the time the prisoner was on parole shall not diminish the time he was originally sentenced to serve."

SEC. 2. Section 5 of the Act of June 25, 1910 (36 Stat. 820; U. S. C., title 18, sec. 718), is amended to read as follows:

"SEC. 5. That any officer of any Federal, penal, or correctional institution or any Federal officer authorized to serve criminal process within the United States, to whom such warrant shall be delivered, is authorized and required to execute such warrant by taking such prisoner and returning him to the custody of the Attorney General. All necessary expenses incurred in the administration of this Act shall be paid out of the appropriation for the institution in connection with which such expense was incurred, and such appropriation is hereby made available therefor."

SEC. 3. Section 6 of the Act of June 25, 1910 (36 Stat. 820; U. S. C., title 18, sec. 719), is amended to read as follows:

"SEC. 6. When a prisoner has been retaken upon a warrant issued by the Board of Parole, he shall be given an opportunity to appear before said Board of Parole, a member thereof, or an examiner designated by the Board. The said Board may then, or at any time in its discretion, revoke the order and terminate such parole or modify the terms and conditions thereof. If such order of parole shall be revoked and the parole so terminated, the said prisoner shall serve the remainder of the sentence originally imposed; and the time the prisoner was out on parole shall not be taken into account to diminish the time for which he was sentenced."

SEC. 4. Section 5296 of the Revised Statutes (U. S. C., title 18, sec. 641) is amended to read as follows:

"SEC. 5296. When a poor convict, sentenced by any court of the United States to be imprisoned and pay a fine, or fine and costs, or to pay a fine, or fine and costs, has been confined in prison thirty days, solely for the nonpayment of such fine, or fine and costs, such convict may make application in writing to any commissioner of the United States court in the district where he is imprisoned setting forth his inability to pay such fine, or fine and costs, and after notice to the district attorney of the United States, who may appear, offer evidence, and be heard, the commissioner shall proceed to hear and determine the matter. If on examination it shall appear to him that such convict is unable to pay such fine, or fine and costs, and that he has not any property exceeding \$20 in value, except such as is by law exempt from being taken on execution for debt, the commissioner shall administer to him the following oath: 'I do solemnly swear that I have not any property, real or personal, to

the amount of \$20, except such as is by law exempt from being taken on civil process for debt by the laws of (naming the State where oath is administered); and that I have no property in any way conveyed or concealed, or in any way disposed of, for my future use or benefit. So help me God.' Upon taking such oath such convict shall be discharged; and the commissioner shall give to the keeper of the jail a certificate setting forth the facts. In case the convict is found by the commissioner to possess property valued at an amount in excess of said exemption, nevertheless, if the Attorney General finds that the retention by such convict of all of such property is reasonably necessary for his support or that of his family, such convict shall be released without further imprisonment solely for the nonpayment of such fine, or fine and costs; or if he finds that the retention by such convict of any part of such property is reasonably necessary for his support or that of his family, such convict shall be released without further imprisonment solely for nonpayment of such fine or fine and costs upon payment on account of his fine and costs, of that portion of his property in excess of the amount found to be reasonably necessary for his support or that of his family."

Discharge.

Possession of property in excess of exemption.

SEC. 5. The Act of May 14, 1930 (46 Stat. 325; U. S. C., title 18, sec. 753 to 753j), as amended, is amended by inserting after section 11 the following section:

"SEC. 12. Officers and employees of the Bureau of Prisons of the Department of Justice are empowered to make arrests without warrant for violations of any of the provisions of sections 9, 10, and 11, of this Act, if the person making the arrest has reasonable grounds to believe that the person so arrested is guilty of such offense, and if there is likelihood of the person escaping before a warrant can be obtained for his arrest. If the person so arrested is a fugitive from custody, he shall be returned to custody, and all other persons so arrested shall immediately be taken before a committing officer. Officers and employees of the said Bureau of Prisons are authorized and empowered to carry firearms under such rules and regulations as the Attorney General may prescribe."

Bureau of Prisons. Arrests without warrant.

Authority to carry firearms.

Approved, June 29, 1940.

[CHAPTER 450]

AN ACT

To amend section 1 of the Act entitled "An Act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States", approved June 29, 1936.

June 29, 1940
[H. R. 8046]
[Public, No. 680]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States", approved June 29, 1936 (49 Stat. 2017), is hereby amended to read as follows:

Alaska Railroad. Retirement of certain employees.

5 U. S. C., Supp. V, § 745.

"That all employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States and whose tenure of employment is not intermittent nor of uncertain duration, shall come within the provisions of this Act: *Provided, however*, That employees of the Alaska Railroad who in the past have been, or in the future may be, employed thereon for the period of at least three months per year for at least two years shall come within the provisions of this Act: *Provided further*, That clerical employees of the Alaska Railroad who were subject to the Civil Service Retirement Act of May 22, 1920, as amended, at any time between July 1, 1935, and the effective date of this Act shall deposit in the Alaska Railroad retirement and disability fund an additional 1½ per centum of the basic

Employees eligible.

Prorisos. Service requirement.

Clerical employees.

41 Stat. 614.
5 U. S. C. §§ 691-736c;
Supp. V, §§ 693-736b.

salary, pay, or compensation received by them during such period, together with interest computed at the rate of 4 per centum per annum compounded on the last day of each fiscal year, but such interest shall not be included for any period during which the employee was separated from the service."

Transfer of credit to retirement fund.

41 Stat. 614.
5 U. S. C. §§ 691-736c;
Supp. V, §§ 693-736b.

Effective date.

SEC. 2. The United States Civil Service Commission is hereby authorized and directed to ascertain the amount, if any, including accrued interest, due employees of the Alaska Railroad coming within the purview of this Act from the civil-service retirement and disability funds created by the Act of May 22, 1920, and to certify same to the Secretary of the Treasury, who is hereby authorized and directed to transfer such amount on the books of the Treasury Department to the Alaska Railroad retirement and disability fund.

SEC. 3. This Act shall take effect on the first day of the third month next following its approval.

Approved, June 29, 1940.

[CHAPTER 451]

AN ACT

June 29, 1940
[H. R. 8076]
[Public, No. 681]

To authorize the furnishing of steam from the Central Heating Plant to the National Academy of Sciences, and for other purposes.

National Academy of Sciences, D. C.
Furnishing of steam authorized.

Provisos.
Payment for steam.

Payment for work involved.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Works Administrator through the Public Buildings Administration be, and is hereby, authorized to furnish steam from the Central Heating Plant for the use of the National Academy of Sciences on the property designated as square 88 in the District of Columbia: *Provided,* That the National Academy of Sciences agrees to pay for the steam furnished at reasonable rates, not less than cost, as may be determined by the Administrator of the Federal Works Agency: *Provided further,* That the Federal Works Administrator, through the Public Buildings Administration, is authorized to prepare plans and specifications and to supervise and contract for the work necessary to connect with the Government mains and to receive payment from the National Academy of Sciences by the transfer of funds in advance to cover the cost of such work and services, including administrative expenses.

Approved, June 29, 1940.

[CHAPTER 452]

AN ACT

June 29, 1940
[H. R. 8258]
[Public, No. 682]

For the marking, care, and maintenance of the Mount of Victory plot in the Cypress Hills Cemetery, in Brooklyn, New York.

Cypress Hills National Cemetery, Brooklyn, N. Y.
Addition of Mount of Victory plot.

Care, maintenance, and marking.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, The Secretary of War is authorized and directed to accept (on behalf of, and without cost to, the United States) title to that certain burial plot in the Cypress Hills Cemetery, in the Borough of Brooklyn, in the county of Kings, in the State of New York, known as the Mount of Victory plot and designated on a map of said cemetery filed according to law as lots numbers 354 to 359, inclusive, in section 2, comprising approximately two thousand four hundred square feet, in which plot are interred the remains of the last survivor and of other veterans of the War of 1812, and to make said plot part and parcel of the Cypress Hills National Cemetery acquired in 1870 from and also located wholly within said Cypress Hills Cemetery. The said Mount of Victory plot shall thereafter receive care, maintenance, and marking as provided by U. S. C., title 24, sections 278 and 279.

Approved, June 29, 1940.

[CHAPTER 453]

AN ACT

Permitting official mail of the Pan American Sanitary Bureau to be transmitted in penalty envelopes.

June 29, 1940
[H. R. 8350]
[Public, No. 683]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the privilege of the free transmission of official mail matter is hereby extended to the Pan American Sanitary Bureau in the same manner and subject to the same conditions as is provided in the case of official mail matter of the Pan American Union.

Pan American Sanitary Bureau.
Free transmission of official mail matter.

Approved, June 29, 1940.

[CHAPTER 454]

AN ACT

For the exchange of lands adjacent to the San Juan National Forest and the Rio Grande National Forest in Colorado.

June 29, 1940
[H. R. 8356]
[Public, No. 684]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act of March 20, 1922 (42 Stat. L. 465; U. S. C., title 16, sec. 485), entitled "An Act to consolidate national forest lands", and the provisions of the Act of February 28, 1925 (43 Stat. L., p. 1090; U. S. C., title 16, sec. 486), entitled "An Act to amend an Act entitled 'An Act to consolidate national forest lands'", and Acts amendatory thereto, are hereby extended to include any suitable offered lands within the boundaries of that portion of the former Mexican grant known as the Tierra Amarilla Grant, lying within the State of Colorado, adjacent to the Rio Grande or San Juan National Forests. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the national forest nearest to which they are situated, and shall thereafter be subject to the laws, rules, and regulations applicable to said national forest.

San Juan and Rio Grande National Forests.
Exchange of adjacent lands.

Administration.

Approved, June 29, 1940.

[CHAPTER 455]

AN ACT

To prohibit the receipt, possession, or disposition of money or property feloniously taken from a bank organized or operating under the laws of the United States or any member of the Federal Reserve System.

June 29, 1940
[H. R. 8399]
[Public, No. 685]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of May 18, 1934, entitled "An Act to provide punishment for certain offenses committed against banks organized or operating under laws of the United States or any member of the Federal Reserve System" (48 Stat. 783; U. S. C., title 12, sec. 588b), as amended, be further amended by adding thereto the following subsection:

Bank robbery.

"(c) Whoever shall receive, possess, conceal, store, barter, sell, or dispose of any property or money or other thing of value knowing the same to have been taken from a bank in violation of subsection (a) of this section shall be fined not more than \$5,000 or imprisoned not more than ten years, or both."

12 U. S. C., Supp. V, §588b.

Receiving, etc., of loot; penalty.

Approved, June 29, 1940.

[CHAPTER 456]

AN ACT

June 29, 1940
[H. R. 8628]
[Public, No. 686]

To amend the Perishable Agricultural Commodities Act, 1930, as amended, to include as a perishable agricultural commodity cherries in brine, and for other purposes.

Perishable Agricultural Commodities Act, 1930, amendments.
46 Stat. 531.
7 U. S. C. §§ 499a, 499b; Supp. V, §§ 499a, 499b.
Definitions.
"Perishable agricultural commodity."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 1 of the Perishable Agricultural Commodities Act, 1930, as amended (relating to the definition of "perishable agricultural commodity"), is amended to read as follows:

"(4) The term 'perishable agricultural commodity'—

"(A) Means any of the following, whether or not frozen or packed in ice: Fresh fruits and fresh vegetables of every kind and character; and

"(B) Includes cherries in brine as defined by the Secretary in accordance with trade usages;"

"Dealer."

SEC. 2. Paragraph (6) (C) of section 1 of such Act, as amended (relating to the definition of "dealer"), is amended by inserting after the word "ice" a comma and the following: "or consists of cherries in brine."

"Unfair conduct."

SEC. 3. Paragraph (1) of section 2 of such Act, as amended (relating to the definition of "unfair conduct"), is amended to read as follows:

Weight, number, etc., of commodity.

"(1) For any commission merchant, dealer, or broker to engage in or use any unfair, unreasonable, discriminatory, or deceptive practice in connection with the weighing, counting, or in any way determining the quantity of any perishable agricultural commodity received, bought, sold, shipped, or handled in interstate or foreign commerce;"

Misrepresentation of quantity, size, etc.

SEC. 4. Paragraph (5) of section 2 of such Act, as amended (relating to the definition of "unfair conduct"), is amended by inserting after "quality," the following: "quantity, size, pack, weight,"

Approved, June 29, 1940.

[CHAPTER 457]

AN ACT

June 29, 1940
[H. R. 8692]
[Public, No. 687]

To amend the Act to regulate the practice of podiatry in the District of Columbia.

District of Columbia.
Podiatry regulations.
40 Stat. 560.
20 D. C. Code § 995.
Board of Podiatry Examiners.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act to regulate the practice of podiatry in the District of Columbia, approved May 23, 1918, and Acts amendatory thereof, are further amended to read as follows:

"There is hereby established a Board of Podiatry Examiners, which shall consist of the health officer of the District of Columbia ex officio and three members, to be appointed by the Board of Commissioners of the District of Columbia.

Terms of members.

"Said members shall be appointed within thirty days after this Act has taken effect, and they shall be so classified by the Board of Commissioners that the term of one member shall expire in one year, one in two years, and one in three years from the date of appointment, and annually thereafter the Board of Commissioners shall appoint one member who shall serve for a period of three years, or until his successor is appointed and qualified. Vacancies in said Board shall be filled by the Board of Commissioners for the unexpired term.

Vacancies.

Eligibility for appointment.

"No person shall be eligible for appointment upon the Board who is not a citizen of the United States and who has not been for five years next preceding his appointment a resident of and in

the active and reputable practice of podiatry in the District of Columbia. Appointments shall be made from a list of three to five eligibles submitted by the Podiatry Society of the District of Columbia. In case of failure of said Podiatry Society to submit said list, the Board of Commissioners shall appoint members in good standing of said Podiatry Society without restriction, who are qualified as aforesaid.

"SEC. 2. The Board of Podiatry Examiners shall organize by electing from its members a president, and a secretary-treasurer who shall give bond to the United States in the sum of \$1,000. The Board shall adopt such rules and regulations not inconsistent herewith as it deems necessary respecting the eligibility of candidates, and the scope of examinations. The Board shall adopt an official seal, and shall keep a record of its proceedings, a complete record of the credentials of each licensee, and a register of persons licensed as podiatrists and of licenses revoked. A transcript of an entry in such records, certified by the secretary-treasurer under seal of the Board, shall be evidence of the facts therein stated. A quorum of the Board shall consist of not less than two members. The Board shall make annual reports to the District Commissioners, containing a statement of moneys received and disbursed and a summary of its official acts during the preceding year.

"SEC. 3. The said Board shall have power to require the attendance of persons and the production of books and papers and to require such persons to testify in any and all matters within its jurisdiction. The president and secretary-treasurer shall have power to issue subpoenas and each shall have authority to administer oaths. Upon the failure of any person to attend as a witness, when duly subpoenaed, or to produce books and papers when duly directed by the said Board, the Board shall have power to refer the said matter to any justice of the District Court of the United States for the District of Columbia, who may order the attendance of such witness, or the production of such books and papers, or require the said witness to testify, as the case may be, and upon the failure of the witness to attend, to testify, or to produce such books or papers, as the case may be, such witness may be punished for contempt of court as for failure to obey a subpoena issued or to testify in a case pending before said court.

"SEC. 4. It shall be the duty of the secretary-treasurer of the Board to enforce the provisions of all laws relating to the practice of podiatry in the District of Columbia, and all violations of said laws shall be prosecuted in the police court of the District of Columbia by the corporation counsel or one of his assistants; and the corporation counsel and his assistants shall render such other legal services as may from time to time be required by the Board.

"The major and superintendent of the Metropolitan Police Department shall detail such members of his force as may be necessary to assist the Board in the investigation and prosecutions incident to the enforcement of this Act. The Board is authorized to employ such other persons as it deems necessary to assist in the investigation and prosecutions incident to the enforcement of this Act.

"SEC. 5. Any person who desires to begin the practice of podiatry within the District of Columbia shall file with the secretary-treasurer of the Board a written application for a license, and furnish satisfactory proof that he is a citizen of the United States or has duly declared his intention to become a citizen of the United States, not less than twenty-one years of age, of good moral character, and is a graduate of a podiatry college recognized by the National Association

List of eligibles.

Election of officers.

Seal, records, and register.

Quorum.

Annual reports.

Attendance of witnesses, etc.

Subpoenas and oaths.

Failure of witness to testify, etc.; punishment.

Prosecution of law violations.

Police detail.

Application for license.

Qualifications.

Citizenship requirement.	of Chiropractors and approved by the Board. Any license issued to a person who is a citizen of a foreign country and who has duly declared his intention to become a citizen of the United States shall automatically terminate and the registration of the candidate be annulled in the event such candidate shall fail to submit to the Board satisfactory evidence within six years from the date of such license that he has become a citizen of the United States. Such application must be upon the form prescribed by the Board, verified by oath, and accompanied by the required fee and a recent unmounted autographed photograph of the applicant. The Board shall hold in January and July of each year, in such place as it may designate, examinations to determine the fitness of applicants for licenses under this Act.
Application form, etc.	
Semiannual examinations.	
Application for license after examination.	“(a) If such application be for a license after examination, the applicant shall appear before the Board at its first meeting after the filing of his application, and pass a satisfactory examination, consisting of practical demonstrations and written and oral test, in the following subjects as the same shall be taught in the recognized podiatry colleges: Anatomy, physiology, pathology, bacteriology, chemistry, materia medica, surgery, therapeutics, diagnosis and treatment, clinical and orthopedic podiatry, and any other of such subjects as the Board may determine.
Without examination.	“(b) If such application be for a license without examination by virtue of a license issued by a State, Territory, or other jurisdiction forming a part of the United States, or by a foreign country, the applicant shall furnish proof satisfactory to the Board that he holds a valid license from a similar podiatry board, with requirements equal to those of the District of Columbia, and that he has been in the lawful and reputable practice of podiatry in the State or Territory or foreign country from which he applies for five consecutive years next prior to filing his application: <i>Provided</i> , That the laws of such State or Territory or foreign country accord equal rights to a podiatrist of the District of Columbia who desires to practice his profession in such State or Territory or foreign country.
Proviso. Reciprocity.	“SEC. 6. If such applicant passes the examination, or furnishes the information required of applicants for license without examination, he shall receive a license from the Board, attested by its seal, signed by the members of the Board, which after being registered with the health officer shall be conclusive evidence of his right to practice podiatry in the District of Columbia. If the loss of a license is satisfactorily shown, a duplicate thereof shall be issued by the Board upon payment of the required fee.
License conclusive evidence of right to practice.	“SEC. 7. The District Court of the United States for the District of Columbia may revoke or suspend the license of any podiatrist in the District of Columbia upon proof satisfactory to said court—
Loss of license.	“(a) That said license or registration was procured through fraud or misrepresentation.
Revocation, etc., of license; causes.	“(b) That the holder thereof has been convicted of a felony.
	“(c) That the holder thereof is guilty of chronic or persistent inebriety, or addiction to drugs.
	“(d) That the holder thereof is guilty of advertising professional superiority or the performance of professional services in a superior manner; advertising prices for professional service; advertising by means of large display, glaring light signs, or containing as a part thereof the representation of the human foot or leg or any part thereof; employing or making use of solicitors or free publicity press agents, directly or indirectly; or advertising any free podiatry work, or free examination; or advertising to guarantee podiatry service.
	“(e) That such holder is guilty of hiring, supervising, permitting, or aiding unlicensed persons to practice podiatry.

"(f) That such holder is guilty of unprofessional conduct.

"The following acts on the part of a podiatrist are hereby declared to constitute unprofessional conduct:

Acts deemed unprofessional conduct.

"(1) Practicing while his license is suspended.

"(2) Willfully deceiving or attempting to deceive the Board or their agents with reference to any matter under investigation by the Board.

"(3) Advertising by any medium other than the personal carrying of a modest professional card or the display of a modest window or street sign at the licensee's office, which professional card or window or street sign shall display only the name, address, profession, office hours, and telephone connections of the licensee; except in the case of announcement of change of address or the starting of practice, when the usual size card of announcement may be used. The size of said cards or signs shall be designated by the Board.

"(4) Practicing podiatry under a false or assumed name or corporate name other than a partnership name containing the names of the partners, or any name except his full proper name which shall be the name used in his license granted by the Board.

"(5) Violating this Act or aiding any person to violate this Act or to knowingly violate the podiatry act of any State or Territory.

"(6) Practicing in the employment of, or in association with, any person who is practicing in an unlawful or unprofessional manner.

"The foregoing specifications of acts constituting unprofessional conduct shall not be construed as a complete definition of unprofessional conduct nor as authorizing or permitting the performance of other or similar acts not denounced, or as limiting or restricting the said court from holding that other or similar acts also constitute unprofessional conduct.

"SEC. 8. The District Court of the United States for the District of Columbia may suspend or revoke any license issued and any registration upon evidence showing to the satisfaction of the court that the licentiate or registrant, as the case may be, has been guilty of misconduct or is professionally incapacitated.

Misconduct or professional incapacity; penalty.

"Proceedings looking toward the suspension or revocation of a license or registration shall be begun by petition filed in the District Court of the United States for the District of Columbia in the name of the Board of Podiatry Examiners and shall be verified by oath. Proceedings shall be conducted according to the ordinary rules of equity practice and such supplementary rules as said court may deem expedient to carry into effect the purposes and intent of this Act; and said court is hereby authorized to make such supplementary rules. An appeal may be taken from the decision of the District Court of the United States for the District of Columbia to the United States Court of Appeals of said District. Any such appeal on behalf of the Board of Podiatry Examiners may be filed without bond. The District Court of the United States for the District of Columbia may determine whether a license or registration shall be suspended or revoked, and if such license is to be suspended said court may determine the duration of such suspension and the conditions under which such suspension shall terminate.

Revocation, etc., proceedings.

Rules applicable.

Appeal.

Duration of suspension.

Fees.

"SEC. 9. That in addition to the fees fixed herein each applicant for a license as podiatrist shall deposit with his application a fee of \$25 if for a license after examination, and \$50 if for a license by reciprocity; with each application for a duplicate license a fee of \$5 shall be paid to said Board and for each certificate issued by said Board a fee of \$1 shall be paid. That out of the fees paid to said Board, as provided by this Act, there shall be defrayed all expenses incurred in carrying out the provisions of this Act, including the

Expenses payable from fees.

<i>Proviso.</i> Limitation on ex- penses. Registration.	detection and prosecution of violations thereof, together with a fee of \$10 per diem for each member of said Board, other than the health officer of the District of Columbia, when actually engaged upon business pertaining to his official duties as such Board member: <i>Provided</i> , That such expense shall in no event exceed the total of receipts.
Fee. Blank form.	<p>“SEC. 10. During the month of December of each year, every licensed podiatrist shall register with the secretary-treasurer of the Board his name and office address and such other information as the Board may deem necessary upon blanks obtainable from said secretary-treasurer, and thereupon pay a registration fee of \$2. On or before the 1st day of November of each year it shall be the duty of the secretary-treasurer of the Board to mail to each podiatrist licensed in the District of Columbia, at his last-known address, a blank form for registration. In the event of failure to register on or before the 31st day of December a fine of \$5 and the registration fee of \$2 shall be imposed, and should the practitioner fail to register and pay the fine imposed and continues to practice his profession in the District of Columbia he shall at the end of ten days from said date be considered as practicing illegally and penalized as otherwise provided for in this Act. If he suspends his practice he may, in the discretion of the Board, upon furnishing satisfactory evidence as to his moral character and professional standing, be reinstated at any time upon registering and paying a prescribed fee of \$25. On or before the 1st day of February, annually, said Board shall issue a printed register of the names and addresses so received, together with other information deemed interesting to the profession, a copy of which shall be mailed or otherwise sent to each registrant thereon.</p>
Reinstatement.	<p>“SEC. 11. Any person shall be regarded as practicing podiatry who, gratuitously or for a salary, fee, money, or other compensation paid either himself or to any other person, directly or indirectly, furnishes or advertises to furnish, or performs or causes to be performed, by himself or by any other person, agent, or employee, podiatry service; or who uses the words ‘podiatrist’, ‘chiroprapist’, or any letters or title in connection with his name which in any way represents him as being engaged in the practice of podiatry; or who is a manager, proprietor, operator, or conductor of a place where podiatry service is performed; or who shall state, advertise, or permit to be advertised by sign, card, circular, handbill, newspaper, radio, or otherwise that he can, or will attempt to, perform podiatry service or render a diagnosis in connection therewith; ‘podiatry’ and ‘podiatry service’, within the meaning of this section and this Act, are hereby defined to be the surgical, medical, or mechanical treatment of any ailment of the human foot, except the amputation of the foot or any of the toes; and, also, except the use of an anesthetic other than a local one.</p>
“Podiatry” and “podiatry service” de- fined.	<p>“SEC. 12. Nothing in this Act shall apply to a bona fide student of podiatry in the clinic rooms of a reputable podiatry college; to a licensed and legally qualified practitioner of the healing arts; to a podiatrist of the United States Army, Navy, Public Health Service, or Veterans’ Administration, in the discharge of his official duties, nor to a lawful practitioner of podiatry in another State or Territory making a clinical demonstration before a bona fide society, convention, association of podiatrists, or podiatry college, or performing his duties in connection with a specific case on which he may have been called to the District of Columbia.</p>
Inapplicability of Act to podiatry stu- dents, etc.	<p>“SEC. 13. Whoever engages in the practice of podiatry and fails to keep displayed in a conspicuous place in the operating room in</p>
Display of license and registration card.	

which he practices, and in such manner as to be easily seen and read, the license and annual registration card granted him pursuant to the laws of the District of Columbia, shall be fined not more than \$50.

"SEC. 14. Whoever sells or offers to sell a diploma conferring a podiatry degree or a certificate granted for postgraduate work, or a license granted pursuant to this Act, or whoever procures such diploma, certificate, or license with intent to use the same as evidence of the right to practice podiatry as defined by law, by a person other than the one upon whom such diploma was conferred, or to whom such license was granted, or any person who with fraudulent intent alters such diploma, certificate, or license, or uses or attempts to use the same, shall be fined not more than \$1,000.

Fraudulent use of licenses, etc.

"SEC. 15. Whoever practices podiatry under a false name, or assumes a title, or appends or prefixes to his name letters which falsely represent him as having a degree from a chartered podiatry college, or makes use of the words 'podiatry college' or 'school' or equivalent words when not lawfully authorized so to do, or impersonates another at an examination held by the Board, or knowingly makes a false application or a false representation in connection with such examination, shall be fined not more than \$1,000.

Practice under false name, etc.

"SEC. 16. No person or persons, corporation, or educational institution shall conduct classes or a school for postgraduate podiatry in the District of Columbia unless with the approval of the Board, and whoever violates this provision shall, upon conviction, be fined not more than \$500.

Board approval of podiatry classes, etc.

"SEC. 17. Whoever engages in the practice of podiatry without a license so to do, or whoever violates any provision of law relating to the practice of podiatry, or the application for examination and licensing of podiatrists for which no specific penalty has been prescribed shall be fined not more than \$1,000.

Practicing without license, etc.

"SEC. 18. When used in this Act—

Terms construed.

"(1) Personal pronouns include all genders.

"(2) The term 'Board' means the Board of Podiatry Examiners.

"(3) Advertising shall be deemed to include those in public print, by radio, or any other form of public announcement.

"SEC. 19. Rules and regulations adopted by the Board shall become effective thirty days after promulgation: *Provided*, That notice of such rules and regulations is published once a week for three consecutive weeks during that period in a newspaper of general circulation in the District of Columbia, and that notice be mailed to each registered podiatrist in the District of Columbia.

Rules and regulations.
Proviso.
Publication.

"SEC. 20. Should any section or provision of this Act be decided by the courts to be unconstitutional or invalid, the validity of the Act as a whole or of any part thereof other than the part decided to be unconstitutional shall not be affected. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Separability clause.

"SEC. 21. All Acts or parts thereof heretofore enacted into law and inconsistent herewith are hereby repealed."

Right reserved.

Repeal.

Approved, June 29, 1940.

[CHAPTER 458]

AN ACT

June 29, 1940
[H. R. 8815]
[Public, No. 688]

To grant per diem compensation to the appointed members of the Board of Steam and Other Operating Engineers of the District of Columbia, and for other purposes.

District of Colum-
bia.
Licensing of steam,
etc., engineers.
24 Stat. 427.
20 D. C. Code § 362.
Board of examiners.
Membership.

Compensation.

Terms.

Vacancies.

Removal from office.

Examinations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to regulate steam and other operating engineering in the District of Columbia", approved February 28, 1887, as amended, is amended to read as follows:

"SEC. 2. That all persons applying for such license shall be examined by a board of examiners composed as follows: Two practical engineers, neither of whom shall be in the employ of the United States or the District of Columbia, to be appointed by the Commissioners of the District of Columbia, and the boiler inspector for the District of Columbia. Each appointed member shall receive compensation at the rate of \$10 per day when actually engaged in the work of the board, such compensation not to exceed \$300 per annum. One of the appointed engineers shall be appointed for a term of one year and the others for a term of two years. On the expiration of such appointments, all appointments shall be made for the term of two years except such appointments as may be made for the remainder of unexpired terms. Vacancies caused by death, resignation, or otherwise shall be filled by the Commissioners only for the unexpired terms. Members shall be eligible for reappointment. The Commissioners of the District of Columbia may remove any member of the board for misconduct, incompetency, neglect of duty, or for any other sufficient cause. Said examination shall be conducted in all respects under such rules and regulations as the Commissioners of the District of Columbia shall from time to time provide; and all engines and steam boilers shall be subjected to such tests as the said Commissioners may prescribe."

Approved, June 29, 1940.

[CHAPTER 459]

AN ACT

June 29, 1940
[H. R. 9274]
[Public, No. 689]

To amend the Act entitled "An Act to provide for the establishment of the Cape Hatteras National Seashore in the State of North Carolina, and for other purposes", approved August 17, 1937 (50 Stat. 669).

Cape Hatteras Na-
tional Seashore, N. C.
Redesignation of
area.

16 U. S. C., Supp.
V, §§ 459-459a-3.

Proviso.
Hunting permitted
in designated areas.

16 U. S. C. §§ 703-
711; Supp. V, §§ 703-
709a.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the words "national seashore recreational area" are hereby substituted in lieu of the words "national seashore" wherever such words occur in the Act of August 17, 1937 (50 Stat. 669).

SEC. 2. That section 3 of the aforesaid Act is hereby amended by striking out the period at the end thereof and the addition of the following: "And provided further, That hunting shall be permitted, under such rules and regulations as may be prescribed by the Secretary of the Interior in conformity with the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as follows: (a) Upon the waters of the sounds included within the national seashore recreational area, (b) in the area north of the Currituck County line, (c) on Ocracoke Island, and (d) within not more than two thousand acres of land in the remaining portion of said national seashore recreational area, as shall be designated by the Secretary of the Interior; except on lands and waters included in any existing or future wildlife or migratory bird refuge and adjacent closed waters."

Approved, June 29, 1940.

[CHAPTER 460]

AN ACT

For the acquisition of Indian lands for the Grand Coulee Dam and Reservoir, and for other purposes.

June 29, 1940
[H. R. 9445]
[Public, No. 690]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in aid of the construction of the Grand Coulee Dam project, authorized by the Act of August 30, 1935 (49 Stat. 1028), there is hereby granted to the United States, subject to the provisions of this Act, (a) all the right, title, and interest of the Indians in and to the tribal and allotted lands within the Spokane and Colville Reservations, including sites of agency and school buildings and related structures and unsold lands in Klaxta town site, as may be designated therefor by the Secretary of the Interior from time to time: *Provided*, That no lands shall be taken for reservoir purposes above the elevation of one thousand three hundred and ten feet above sea level as shown by General Land Office surveys, except in Klaxta town site; and (b) such other interests in or to any of such lands and property within these reservations as may be required and as may be designated by the Secretary of the Interior from time to time for the construction of pipe lines, highways, railroads, telegraph, telephone, and electric-transmission lines in connection with the project, or for the relocation or reconstruction of such facilities made necessary by the construction of the project.

The Secretary of the Interior, in lieu of reserving rights of hunting, fishing, and boating to the Indians in the areas granted under this Act, shall set aside approximately one-quarter of the entire reservoir area for the paramount use of the Indians of the Spokane and Colville Reservations for hunting, fishing, and boating purposes, which rights shall be subject only to such reasonable regulations as the Secretary may prescribe for the protection and conservation of fish and wildlife: *Provided*, That the exercise of the Indians' rights shall not interfere with project operations. The Secretary shall also, where necessary, grant to the Indians reasonable rights of access to such area or areas across any project lands.

SEC. 2. As lands or interests in lands are designated from time to time under this Act, the Secretary of the Interior shall determine the amount of money to be paid to the Indians as just and equitable compensation therefor. As to the tribal lands, the amounts so determined shall be transferred in the Treasury of the United States from the funds now or hereafter made available for the construction of the Grand Coulee Dam project to the credit of the appropriate tribe pursuant to the provisions of the Act of May 17, 1926 (44 Stat. 560). The amounts due individual landowners or their heirs or devisees shall be paid from funds now or hereafter made available for the construction of said project to the superintendent of the Colville Indian Agency or such other officer as shall be designated by the Secretary of the Interior for credit on the books of said agency to the accounts of the individuals concerned.

SEC. 3. Funds deposited to the credit of allottees, their heirs or devisees may be used in the discretion of the Secretary of the Interior, for the acquisition of other lands and improvements, or the relocation of existing improvements or construction of new improvements on the lands so acquired for the allottees or heirs whose lands and improvements are acquired under the provisions of this Act. Lands so acquired shall be held in the same status as those from which the funds were derived, and shall be nontaxable until otherwise provided by Congress.

SEC. 4. As to any Indian cemetery lands required for the project, the Secretary of the Interior is authorized, in his discretion, in lieu of requiring payment therefor, to establish cemeteries on other lands

Grand Coulee Dam project.
Acquisition of Indian lands.

Proviso.
Restriction; exception.

Construction of pipe lines, etc.

Use of reservoir land for hunting, etc., by Indians.

Proviso.
Noninterference with project operations.

Compensation to Indians.

Credit of funds to appropriate tribe.

25 U. S. C. § 155.

Payments to individual landowners.

Use of funds for acquisition of other lands, etc.

Relocation of Indian cemeteries.

Payment of costs.

Sites held in trust by U. S.

Regulations, etc.

that he may select and acquire for the purpose, and to remove bodies, markers, and other appurtenances to the new sites. All costs incurred in connection with any such relocation shall be paid from moneys appropriated for the project. All right, title, and interest of the Indians in the lands within any cemetery so relocated shall terminate and the grant of title under this Act take effect as of the date the Secretary of the Interior authorizes the relocation. Sites of the relocated cemeteries shall be held in trust by the United States for the Spokane or Colville Tribe, as the case may be, and shall be nontaxable.

SEC. 5. The Secretary of the Interior is hereby authorized to perform any and all acts and to prescribe such regulations as he may deem appropriate to carry out the provisions of this Act.

Approved, June 29, 1940.

June 29, 1940
[H. R. 9896]
[Public, No. 691]

Military posts.
Appropriation for
construction at, au-
thorized.
Ante, p. 360; *post*, p.
958.

[CHAPTER 461]

AN ACT

To authorize appropriations for construction at military posts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated not to exceed \$15,000,000 to be expended for the construction, rehabilitation, and installation at military posts of such buildings and utilities and appurtenances thereto as may be necessary, as follows:

Station	ALASKA	Amount
Anchorage		\$6, 379, 225
	HAWAII	
Schofield Barracks		823, 200
Fort Shafter		90, 000
	PANAMA	
Fort Clayton		512, 075
Corozal		1, 071, 300
Panama Canal Department		365, 500
	PUERTO RICO	
Borinquen Field		571, 700
Puerto Rican General Depot		45, 000
	CONTINENTAL UNITED STATES	
Aberdeen Proving Ground, Md.		210, 000
Atlanta General Depot, Ga.		1, 800, 000
Fort Belvoir, Va.		60, 000
Fort Benning, Ga.		1, 320, 500
Edgewood Arsenal, Md.		432, 476
Fort Sam Houston, Tex.		277, 200
Fort Knox, Ky.		153, 124
Fort Lewis, Wash.		255, 000
Fort McPherson, Fla.		65, 000
Fort Myer, Va.		84, 000
Fort Monroe, Va.		179, 500
Philadelphia Quartermaster Depot		314, 000
Picatinny Arsenal		23, 000
Fort Pickens, Fla.		48, 200
Fort Sill, Okla.		96, 000
Fort Story, Va.		25, 000
West Point		299, 000
Total		15, 000, 000

Approved, June 29, 1940.

[CHAPTER 462]

AN ACT

To authorize the acquisition of additional land for military purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized to acquire, in such order of priority as he may determine, title to additional land, or interest therein, or right pertaining thereto, to the extent of the approximate areas hereinafter set forth, for the establishment, enlargement, and essential improvement of the following military reservations, posts, and facilities:

Antiaircraft Training and Firing Center, Savannah, Georgia, five hundred and twenty-five thousand acres.

Big Bethel Water Development, Fort Monroe, Virginia, forty-one acres.

Camp Custer, Michigan, six thousand one hundred and twenty-six acres.

Fort Dix, New Jersey, sixteen thousand three hundred and forty-six acres.

Fort Lewis, Washington, five thousand sixty-one acres.

SEC. 2. In order to accomplish the purpose of this Act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$3,500,000, to be expended under the direction of the Secretary of War.

Approved, June 29, 1940.

June 29, 1940
[H. R. 9897]
[Public, No. 692]

Acquisition of additional land for military purposes.
Ante, pp. 360, 361.

Savannah, Ga.

Fort Monroe, Va.

Camp Custer, Mich.

Fort Dix, N. J.

Fort Lewis, Wash.

Appropriation authorized.
Post, p. 958.

[CHAPTER 492]

AN ACT

Authorizing the Secretary of the Interior to sell certain land to the Conconully Cemetery Association.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to Executive Order Numbered 1032 of February 25, 1909, withdrawing lot 5, section 7, township 35 north, range 25 east, Willamette meridian, Okanogan County, Washington, and other lands, and setting them apart for the use of the Department of Agriculture as preserves and breeding grounds for native birds, the Secretary of the Interior, upon payment therefor at the rate of \$1.25 per acre, may cause a patent to issue to the Conconully Cemetery Association, for cemetery uses, for all of lot 5, section 7, township 35 north, range 25 east, Willamette meridian, Okanogan County, Washington, except the three hundred-foot strip along the westerly border of such lot, heretofore determined by the Commissioner of Reclamation to be necessary for reclamation purposes, which shall be excepted from such grant. Except for the uses herein authorized, neither this Act nor the patent that may issue thereunder shall be construed as abrogating or in any manner affecting the aforesaid Executive order of February 25, 1909, which order shall otherwise remain in full force unless and until revoked by the President or by Act of Congress.

Approved, June 29, 1940.

June 29, 1940
[H. R. 8316]
[Public, No. 693]

Conconully Cemetery Association.
Issue of land patent to.

Payment.

Description.

Designated Executive order not abrogated.

[CHAPTER 493]

JOINT RESOLUTION

To clear title to certain real estate.

June 29, 1940
[H. J. Res. 517]
[Pub. Res., No. 90]Branch County,
Mich.
Clearing title to cer-
tain real estate.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to execute and deliver to the register of deeds of said Branch County, Michigan, a conveyance in the following form, to wit:

The United States having no interest in the property known and described as the northwest quarter of the southwest quarter of section 30, township 6 south, range 8 west, Branch County, Michigan, and which said property one Helen L. Kane attempted to convey, under certain conditions, to the United States Government, the United States does hereby, through the Secretary of the Treasury (or any subordinate in his office), he being, by joint resolution of Congress so authorized and directed, quitclaim and convey to the said Helen L. Kane all interest of "The Government of the United States, Washington, D. C.", in the premises heretofore described.

Approved, June 29, 1940.

[CHAPTER 494]

JOINT RESOLUTION

Authorizing a reduction in the rate of interest to be paid on certain loans and advances made to the District of Columbia by the United States of America through the Public Works Administration.

July 1, 1940
[H. J. Res. 559]
[Pub. Res., No. 91]District of Columbia.
Reduction of in-
terest on certain pub-
lic-works loans, etc.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Public Works, under the direction and supervision of the Federal Works Administrator, and the Commissioners of the District of Columbia, be, and they are hereby, authorized to amend existing contracts and agreements by which funds have been loaned or advanced or are obligated to be loaned or advanced to said Commissioners, for the acquisition, purchase, construction, establishment, and development of public works, pursuant to the authority of Public Law Numbered 465, Seventy-third Congress, approved June 25, 1934, as amended by Public Law Numbered 51, Seventy-fourth Congress, approved May 6, 1935, or Public Law Numbered 746, Seventy-fifth Congress, approved June 25, 1938, so as to provide for the payment of interest on the amounts of such loans and advances to be repaid to the Public Works Administration at such rate as would, in the opinion of the Secretary of the Treasury, be the lowest interest rate available to the District of Columbia were said District authorized by law to issue and sell obligations to the public at the par value thereof, in a sum equal to the repayable amounts of such loans and advances, maturing serially over a period of fifteen years in approximately equal annual installments, including both principal and interest, and secured by a first pledge of and lien upon all the general-fund revenues of said District.

48 Stat. 1215; 49
Stat. 174; 52 Stat.
1203.
20 D. C. Code,
Supp. V, §§ 1587-
1590.Notification of in-
terest rate.

SEC. 2. The Secretary of the Treasury is authorized and directed to advise the Commissioner of Public Works and the Commissioners of the District of Columbia of such interest rate which, in his opinion and in the aforesaid circumstances, would be available to the District of Columbia on the date of enactment of this joint resolution.

Approved, July 1, 1940.

[CHAPTER 495]

AN ACT

To amend an Act entitled "An Act relating to the naturalization of certain women born in Hawaii", approved July 2, 1932.

July 1, 1940
[H. R. 159]
[Public, No. 694]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act relating to the naturalization of certain women born in Hawaii", approved July 2, 1932, is amended to read as follows: That for the purposes of subdivision (b) of section 3 of the Act entitled "An Act relative to the naturalization and citizenship of married women", approved September 22, 1922, as amended, a woman born in Hawaii prior to June 14, 1900, shall be considered to have been a citizen of the United States at birth.

Citizenship of women born in Hawaii prior to June 14, 1900.
47 Stat. 571.
8 U. S. C. § 368b.

46 Stat. 1511.
8 U. S. C. § 369a.

Approved, July 1, 1940.

[CHAPTER 496]

AN ACT

To authorize the appropriation for payment of the cost of providing additional water for the Wapato Indian irrigation project, Washington.

July 1, 1940
[H. R. 3402]
[Public, No. 695]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$800,000, and credited to the reclamation fund, to defray the actual cost of furnishing an additional quantity of water annually of one hundred thousand acre-feet which is needed to provide adequate irrigation for forty acres each of the Indian allotments of the Yakima Reservation as contemplated by the Act of August 1, 1914, and as set out in the terms of the agreement between the Bureau of Reclamation and the Office of Indian Affairs, approved by the Secretary of the Interior September 3, 1936, the same to be made available in amounts not to exceed \$20,000 annually for forty years.

Wapato Indian irrigation project, Wash.
Appropriation for additional water authorized.

38 Stat. 582, 604.

Approved, July 1, 1940.

[CHAPTER 497]

AN ACT

For expenditure of funds for cooperation with the public-school board, Cass County, Minnesota, for the construction, extension, equipment, and improvement of public-school facilities to be available to Indian children in the district.

July 1, 1940
[H. R. 6583]
[Public, No. 696]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$65,000 for the purpose of cooperating with the public-school board, Cass County, Minnesota, for the construction, extension, equipment, and improvement of the public-school facilities at a location to be agreed upon by the Secretary of the Interior and the school officials of Cass County, Minnesota: *Provided*, That the expenditure of any money so authorized shall be subject to the express conditions that the school maintained by the said district in the said building shall be available to all Indian children of the district, on the same terms, except as to payment of tuition, as other children of said school district: *Provided further*, That plans and specifications for construction, extension, or improvement of structures shall be furnished by local or State authorities without cost to the United States, and upon approval thereof by the Commissioner of Indian Affairs actual work shall proceed under the

Cass County, Minn.
Appropriation authorized for construction of public-school facilities.

Protisos.
Availability to Indian children.

Plans and specifications.

Payment for work.
Sponsors' contribu-
tion.

Recoupment by
U. S.

Interest on unre-
couped balances.

direction of such local or State officials. Payment for work in place shall be made monthly on vouchers properly certified by local officials of the Indian Service: *Provided further*, That funds thus appropriated may be used as sponsors' contribution for the construction, extension, equipment, and improvement of the said public-school facilities approved and carried on under funds of the Work Projects Administration: *And provided further*, That any amount expended on any project hereunder shall be recouped by the United States within a period of thirty years, commencing with the date of occupancy of the project, through reducing the annual Federal payments for the education of Indian pupils enrolled in public or high schools of the district involved, or by the acceptance of Indian pupils in such schools without cost to the United States, and in computing the amount of recoupment for each project interest at 3 per centum per annum shall be included on unrecouped balances.

Approved, July 1, 1940.

[CHAPTER 498]

AN ACT

July 1, 1940
[H. R. 7116]
[Public, No. 697]

To authorize defraying cost of necessary work between the Yuma project and Boulder Dam.

44 Stat. 1021.

Colorado River.
Annual appropria-
tion for front work,
etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved January 21, 1927, is amended to read as follows:

"There is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the fiscal year ending June 30, 1928, and annually thereafter, the sum of \$100,000, or so much thereof as may be necessary, to be spent by the Reclamation Bureau under the direction of the Secretary of the Interior to defray the cost of operating and maintaining the Colorado River front work and levee system adjacent to the Yuma Federal irrigation project in Arizona and California and to defray the cost of other necessary protection works and systems along the Colorado River between said Yuma project and Boulder Dam."

Approved, July 1, 1940.

[CHAPTER 499]

AN ACT

July 1, 1940
[H. R. 9765]
[Public, No. 698]

To provide for exercising the right with respect to red cedar shingles reserved in the trade agreement concluded November 17, 1938, between the United States of America and Canada, and for other purposes.

Red cedar shingles.
Investigation by
U. S. Tariff Commis-
sion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the United States Tariff Commission is hereby directed to conduct an investigation as soon as practicable after the close of the calendar year 1939 and each calendar year thereafter, for the purpose of ascertaining the quantities of red cedar shingles shipped by producers in the United States and the quantities of imported red cedar shingles entered for consumption, or withdrawn from warehouse for consumption, during each of the three calendar years immediately preceding any such investigation.

Report of excess im-
ports to President.

(b) If the Commission finds, on the basis of an investigation under subdivision (a) of this section, that in any calendar year after 1938 the quantity of imported red cedar shingles entered for consumption, or withdrawn from warehouse for consumption, was

in excess of 30 per centum of the combined total for such year of the respective quantities ascertained in such investigation, it shall so report to the President. If the President approves the report of the Commission, he shall so proclaim, and on and after the day following the filing of such proclamation with the Division of the Federal Register and so long as any trade agreement entered into under the authority of section 350 of the Tariff Act of 1930, as amended, shall be in effect with respect to the importation into the United States of red cedar shingles, there shall be a duty upon imported red cedar shingles entered for consumption, or withdrawn from warehouse for consumption, in any calendar year in excess of 30 per centum of the annual average for the preceding three calendar years of the combined total of the quantity of such shingles shipped by producers in the United States and of the quantity of such imported shingles entered for consumption, or withdrawn from warehouse for consumption. The rate of such duty shall be 25 cents per square. Any duty imposed under this Act shall be treated for the purposes of all provisions of law relating to customs revenue as a duty imposed by the Tariff Act of 1930, and shall not apply to shingles entered for consumption before the duty becomes applicable.

(c) The quantity of red cedar shingles entitled to exemption from any duty imposed pursuant to this Act shall be ascertained for each quota period by the Commission and reported to the Secretary of the Treasury.

Approved, July 1, 1940.

[CHAPTER 500]

AN ACT

Amending the Bankruptcy Act with respect to the basis of property.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective as of June 22, 1938, section 270 of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended, is amended to read as follows:

"SEC. 270. In determining the basis of property for any purposes of any law of the United States or of a State imposing a tax upon income, the basis of the debtor's property (other than money) or of such property (other than money) as is transferred to any person required to use the debtor's basis in whole or in part shall be decreased by an amount equal to the amount by which the indebtedness of the debtor, not including accrued interest unpaid and not resulting in a tax benefit on any income tax return, has been canceled or reduced in a proceeding under this chapter, but the basis of any particular property shall not be decreased to an amount less than the fair market value of such property as of the date of entry of the order confirming the plan. Any determination of value in a proceeding under this chapter shall not be deemed a determination of fair market value for the purposes of this section. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe such regulations as he may deem necessary in order to reflect such decrease in basis for Federal income-tax purposes and otherwise carry into effect the purposes of this section."

SEC. 2. Effective as of June 22, 1938, section 396 of such Act, as amended, is amended to read as follows:

"SEC. 396. In determining the basis of property for any purposes of any law of the United States or of a State imposing a tax upon income, the basis of the debtor's property (other than money) or of such property (other than money) as is transferred to any person

Approval by proclamation.

48 Stat. 943.
19 U. S. C. § 1351;
Supp. V, § 1351.
Duty.

Exemption of prior importations.

Quantity exempt from duty; report.

July 1, 1940
[H. R. 9864]
[Public, No. 699]

Bankruptcy Act of 1898, amendments.
52 Stat. 904.
11 U. S. C., Supp. V, § 670.

Corporate reorganizations.
Determination of basis of property for income-tax purposes.

Limitation on reduction of basis.

Regulations.

52 Stat. 915.
11 U. S. C., Supp. V, § 796.

Arrangements.
Determination of basis of property for income-tax purposes.

Limitation on re-
duction of basis.

Regulations.

52 Stat. 929.
11 U. S. C., Supp.
V, § 922.

Real property ar-
rangements by per-
sons other than cor-
porations.
Determination of
basis of property for
income-tax purposes.

Limitation on re-
duction of basis.

Regulations.

required to use the debtor's basis in whole or in part shall be decreased by an amount equal to the amount by which the indebtedness of the debtor, not including accrued interest unpaid and not resulting in a tax benefit on any income-tax return, has been canceled or reduced in a proceeding under this chapter, but the basis of any particular property shall not be decreased to an amount less than the fair market value of such property as of the date of entry of the order confirming the arrangement. Any determination of value in a proceeding under this chapter shall not be deemed a determination of fair market value for the purposes of this section. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe such regulations as he may deem necessary in order to reflect such decrease in basis for Federal income-tax purposes and otherwise carry into effect the purposes of this section."

SEC. 3. Effective as of June 22, 1938, section 522 of such Act, as amended, is amended to read as follows:

"SEC. 522. In determining the basis of property for any purposes of any law of the United States or of a State imposing a tax upon income, the basis of the debtor's property (other than money) or of such property (other than money) as is transferred to any person required to use the debtor's basis in whole or in part shall be decreased by an amount equal to the amount by which the indebtedness of the debtor, not including accrued interest unpaid and not resulting in a tax benefit on any income-tax return, has been canceled or reduced in a proceeding under this chapter, but the basis of any particular property shall not be decreased to an amount less than the fair market value of such property as of the date of entry of the order confirming the arrangement. Any determination of value in a proceeding under this chapter shall not be deemed a determination of fair market value for the purposes of this section. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe such regulations as he may deem necessary in order to reflect such decrease in basis for Federal income-tax purposes and otherwise carry into effect the purposes of this section."

Approved, July 1, 1940.

[CHAPTER 501]

AN ACT

July 1, 1940
[H. R. 10058]
[Public, No. 700]

To amend the Act relating to preventing the publication of inventions in the national interest, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress approved October 6, 1917 (40 Stat. 394, ch. 95, U. S. C., title 35, sec. 42), be amended to read as follows:

Withholding of pat-
ents in national inter-
est.

Provido.
Deemed abandoned
if published, etc.

"Whenever the publication or disclosure of an invention by the granting of a patent might, in the opinion of the Commissioner of Patents, be detrimental to the public safety or defense he may order that the invention be kept secret and withhold the grant of a patent for such period or periods as in his opinion the national interest requires: *Provided*, That the invention disclosed in the application for said patent may be held abandoned upon it being established before or by the Commissioner that in violation of said order said invention has been published or disclosed or that an application for a patent therefor has been filed in a foreign country by the inventor or his assigns or legal representatives, without the consent or approval of the Commissioner of Patents.

"When an applicant whose patent is withheld as herein provided and who faithfully obeys the order of the Commissioner of Patents above referred to shall tender his invention to the Government of the United States for its use, he shall, if and when he ultimately receives a patent, have the right to sue for compensation in the Court of Claims, such right to compensation to begin from the date of the use of the invention by the Government: *Provided*, That the Secretary of War or the Secretary of the Navy or the chief officer of any established defense agency of the United States, as the case may be, is authorized to enter into an agreement with the said applicant in full settlement and compromise for the damage accruing to him by reason of the order of secrecy, and for the use of the invention by the Government."

Right of patentee to sue for compensation.

Proviso.
Settlement with applicant for damage, etc.

SEC. 2. This Act shall take effect on approval and shall remain in force for a period of two years from such date.

Effective date; period in force.

Approved, July 1, 1940.

[CHAPTER 502]

AN ACT

To amend the Immigration Act of 1924 to require aliens admitted into the United States as officials of foreign governments either to maintain their status or to depart from the United States, with the approval of the Secretary of State.

July 1, 1940
[H. R. 10112]
[Public, No. 701]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first subdivision of section 3 of the Immigration Act approved May 26, 1924 (43 Stat. 153; U. S. C. Annotated, title 8, sec. 203) is hereby amended to read as follows: "(1) an accredited official of a foreign government recognized by the Government of the United States, his family, attendants, servants, and employees."

Immigration Act of 1924, amendments.
Persons not deemed immigrants.

Officials of recognized foreign governments.

SEC. 2. That the first parenthetical clause in section 15 of the Immigration Act approved May 26, 1924 (U. S. C. Annotated, title 8, sec. 215), which reads "(except a Government official and his family)", is hereby repealed, and section 15 is hereby amended to read as follows: "The admission to the United States of an alien excepted from the class of immigrants by clause (1), (2), (3), (4), (5), or (6) of section 3, or declared to be a nonquota immigrant by subdivision (e) of section 4, shall be for such time and under such conditions as may be by regulations prescribed (including, when deemed necessary for the classes mentioned in clause (2), (3), (4), or (6) of section 3 and subdivision (e) of section 4, the giving of bond with sufficient surety, in such sum and containing such conditions as may be by regulations prescribed) to insure that, at the expiration of such time or upon failure to maintain the status under which admitted, he will depart from the United States: *Provided*, That no alien who has been, or who may hereafter be, admitted into the United States under clause (1) of section 3, as an official of a foreign government, or as a member of the family of such official, shall be required to depart from the United States without the approval of the Secretary of State."

Departure from U. S. of aliens losing exempt status.
43 Stat. 162.

43 Stat. 155.
8 U. S. C. § 204 (e).

Proviso.
Approval of Secretary of State.

Approved, July 1, 1940.

[CHAPTER 507]

AN ACT

July 1, 1940
[H. R. 9453]
[Public, No. 702]

To provide a license to the Atlantic Refining Company, and for other purposes.

Atlantic Refining
Company.
Granting of license
to.

Provisos.
Finding by Secre-
tary of War.

Annulment, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and empowered, under such terms and conditions as are deemed advisable by him, to grant to the Atlantic Refining Company, its successors and/or assigns, a license to construct and maintain a pile dolphin and walkway thereto in the Delaware River at the Fort Mifflin Military Reservation, in the State of Pennsylvania: *Provided*, That such license shall be granted only upon a finding by the Secretary of War that the same will be in the public interest and will not substantially injure the interest of the United States in the property affected thereby: *Provided further*, That all or any part of such license may be annulled and forfeited by the Secretary of War if the property is needed for governmental purposes or for failure to comply with the terms or conditions of any grant hereunder, or for nonuse or for abandonment of rights granted under authority hereof.

Approved, July 1, 1940.

[CHAPTER 508]

AN ACT

July 2, 1940
[H. R. 9850]
[Public, No. 703]

To expedite the strengthening of the national defense.

National defense.

Construction of
plants for manufac-
ture, etc., of military
supplies.

Purchase, etc., of
military supplies.

Authority to enter
into contracts, etc.

Provisos.
Suspension of con-
struction limitations.
10 U. S. C. § 1339;
40 U. S. C. § 267.

Contracts, provi-
sions applicable.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to expedite the building up of the national defense, the Secretary of War is authorized, out of the moneys appropriated for the War Department for national-defense purposes for the fiscal year ending June 30, 1941, with or without advertising, (1) to provide for the necessary construction, rehabilitation, conversion, and installation at military posts, depots, stations, or other localities, of plants, buildings, facilities, utilities, and appurtenances thereto (including Government-owned facilities at privately owned plants and the expansion of such plants, and the acquisition of such land, and the purchase or lease of such structures, as may be necessary), for the development, manufacture, maintenance, and storage of military equipment, munitions, and supplies, and for shelter; (2) to provide for the development, purchase, manufacture, shipment, maintenance, and storage of military equipment, munitions, and supplies, and for shelter, at such places and under such conditions as he may deem necessary; and (3) to enter into such contracts (including contracts for educational orders, and for the exchange of deteriorated, unserviceable, obsolescent, or surplus military equipment, munitions, and supplies for other military equipment, munitions, and supplies of which there is a shortage), and to amend or supplement such existing contracts, as he may deem necessary to carry out the purposes specified in this section: *Provided*, That the limitations contained in sections 1136 and 3734 of the Revised Statutes, as amended, and any statutory limitation with respect to the cost of any individual project of construction, shall be suspended until and including June 30, 1942, with respect to any construction authorized by this Act: *Provided further*, That no contract entered into pursuant to the provisions of this section which would otherwise be subject to the provisions of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (49 Stat. 2036; U. S. C., Supp. V,

title 41, secs. 35-45), shall be exempt from the provisions of such Act solely because of being entered into without advertising pursuant to the provisions of this section: *Provided further*, That the cost-plus-a-percentage-of-cost system of contracting shall not be used under this section; but this proviso shall not be construed to prohibit the use of the cost-plus-a-fixed-fee form of contract when such use is deemed necessary by the Secretary of War.

(b) The Secretary of War is further authorized, with or without advertising, to provide for the operation and maintenance of any plants, buildings, facilities, utilities, and appurtenances thereto constructed pursuant to the authorizations contained in this section and section 5, either by means of Government personnel or through the agency of selected qualified commercial manufacturers under contracts entered into with them, and, when he deems it necessary in the interest of the national defense, to lease, sell, or otherwise dispose of, any such plants, buildings, facilities, utilities, appurtenances thereto, and land, under such terms and conditions as he may deem advisable, and without regard to the provisions of section 321 of the Act of June 30, 1932 (47 Stat. 412).

(c) Whenever, prior to July 1, 1942, the Secretary of War deems it necessary in the interest of the national defense, he is authorized, from appropriations available therefor, to advance payments to contractors for supplies or construction for the War Department in amounts not exceeding 30 per centum of the contract price of such supplies or construction. Such advances shall be made upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

SEC. 2 (a) During the fiscal year 1941, all existing limitations with respect to the number of flying cadets in the Army Air Corps, and with respect to the number and rank of Reserve Air Corps officers who may be ordered to extended active duty with the Air Corps, shall be suspended.

(b) The President may, during the fiscal year 1941, assign officers and enlisted men to the various branches of the Army in such numbers as he considers necessary, irrespective of the limitations on the strength of any particular branch of the Army set forth in the National Defense Act of June 3, 1916, as amended: *Provided*, That no Negro, because of race, shall be excluded from enlistment in the Army for service with colored military units now organized or to be organized for such service.

SEC. 3. All existing limitations with respect to the number of serviceable airplanes, airships, and free and captive balloons that may be equipped and maintained shall be suspended during the fiscal year 1941.

SEC. 4. (a) The Secretary of War is further authorized to employ such additional personnel at the seat of government and elsewhere, and to provide for such printing and binding, communication service, supplies, and travel expenses, as he may deem necessary to carry out the purposes of this Act: *Provided*, That until December 31, 1941, the Secretary of War may, if he finds it to be necessary for national-defense purposes, authorize the employment of supervising or construction engineers without regard to the requirements of civil-service laws, rules, or regulations: *Provided further*, That notwithstanding the provisions of section 6 of the Act of August 24, 1912 (37 Stat. 555; U. S. C. title 5, sec. 652), the Secretary of War may remove from the classified civil service of the United States any employee of the Military Establishment forthwith upon a finding that such person has been guilty of conduct inimical to the public interest in the defense program of the United States and upon the giving of notice

Contracting systems.

Maintenance, etc., of plants.

Leasing, etc., of plants.

40 U. S. C. § 303b.

Advances to contractors; limitation. *Post*, p. 875.

Terms, etc.

Number of flying cadets, etc.

Assignment of officers, etc., to branches of Army.

39 Stat. 166. *Proviso*. Enlistment of Negroes.

Number of serviceable airplanes, etc.

Additional personnel, etc.

Provisos. Supervising, etc., engineers.

Removal of civil-service employees.

Employee's answer.	to such person of such charges: <i>And provided further</i> , That within thirty days after such removal such person shall have an opportunity personally to answer such charges in writing and to submit affidavits in support of such answer.
Regular working hours of laborers and mechanics.	(b) Notwithstanding the provisions of any other law, the regular working hours of laborers and mechanics employed by the War Department, who are engaged in the manufacture or production of military equipment, munitions, or supplies shall be eight hours per day or forty hours per week during the period of any national emergency declared by the President to exist: <i>Provided</i> , That under such regulations as the Secretary of War may prescribe, such hours may be exceeded, but compensation for employment in excess of forty hours in any workweek, computed at a rate not less than one and one-half times the regular rate, shall be paid to such laborers and mechanics.
<i>Proviso.</i> Overtime employment; pay.	SEC. 5. The President is authorized, with or without advertising, through the appropriate agencies of the Government (1) to provide for emergencies affecting the national security and defense and for each and every purpose connected therewith, including all of the objects and purposes specified under any appropriation available or to be made available to the War Department for the fiscal years 1940 and 1941; (2) to provide for the furnishing of Government-owned facilities at privately owned plants; (3) to provide for the procurement and training of civilian personnel necessary in connection with the protection of critical and essential items of equipment and material and the use or operation thereof; and (4) to provide for the procurement of strategic and critical materials in accordance with the Act of June 7, 1939, but the aggregate amount to be used by the President for all such purposes shall not exceed \$66,000,000. The President is further authorized, through such agencies, to enter into contracts for such purposes in an aggregate amount not exceeding \$66,000,000. An account shall be kept of all expenditures made or authorized under this section, and a report thereon shall be submitted to the Congress at the beginning of each session subsequent to the third session of the Seventy-sixth Congress: <i>Provided</i> , That no contract entered into pursuant to the provisions of this section which would otherwise be subject to the provisions of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (49 Stat. 2036; U. S. C., Supp. V, title 41, secs. 35-45), shall be exempt from the provisions of such Act solely because of being entered into without advertising pursuant to the provisions of this section.
Emergencies affecting national security.	
Government-owned facilities. Personnel for protection of critical, etc., materials.	
Procurement of critical, etc., materials. 53 Stat. 811. 50 U. S. C., Supp. V, §§ 98-98f. Limitation. Contracts.	
Report to Congress.	
<i>Proviso.</i> Contracts, provisions applicable.	
Curtailment of exports of munitions, etc. <i>Post</i> , p. 1090.	SEC. 6. Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component parts thereof, or machinery, tools, or material, or supplies necessary for the manufacture, servicing, or operation thereof, he may by proclamation prohibit or curtail such exportation, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued hereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or by both such fine and imprisonment. The authority granted in this section shall terminate June 30, 1942, unless the Congress shall otherwise provide.
Punishment of violators.	
Termination of authority.	

Approved, July 2, 1940, 10:55 a. m., E. S. T.

[CHAPTER 509]

AN ACT

To repatriate native-born women residents of the United States who have heretofore lost their citizenship by marriage to an alien.

July 2, 1940
[H. R. 4185]
[Public, No. 704]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to repatriate native-born women who have heretofore lost their citizenship by marriage to an alien, and for other purposes", approved June 25, 1936 (U. S. C., 1934 edition, Supp. IV, title 8, sec. 9a), is amended by inserting after "terminated" the following: "or who has resided continuously in the United States since the date of such marriage,".

Repatriation of certain native-born women.

49 Stat. 1917.
8 U. S. C., Supp. V, § 9a.

Approved, July 2, 1940.

[CHAPTER 510]

AN ACT

To amend section 2810 (a), Internal Revenue Code, to exclude petroleum stills from the requirement of registration.

July 2, 1940
[H. R. 6207]
[Public, No. 705]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2810 (a), Internal Revenue Code, is amended by adding an additional paragraph at the end thereof to read as follows:

"Stills and distilling apparatus set up at refineries for the refining of crude petroleum or the production of petroleum products and not used in the manufacture of distilled spirits are not required to be registered under this section."

Internal Revenue Code, amendment.
53 Stat. 308.
26 U. S. C., Supp. V, § 2810 (a).
Exclusion of petroleum stills from registry requirement.

Approved, July 2, 1940.

[CHAPTER 511]

AN ACT

To extend the times for commencing and completing the construction of a dam and dike for preventing the flow of tidal waters into North Slough in Coos County, Oregon.

July 2, 1940
[H. R. 6408]
[Public, No. 706]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a dam and dike for preventing the flow of tidal waters into North Slough in Coos County, Oregon, in township 24 south, range 13 west, Willamette meridian, authorized to be constructed by the State of Oregon, acting through its highway department, the North Slough Drainage District, and the North Slough Diking District by an Act of Congress approved August 26, 1937, is extended one and three years, respectively, from August 26, 1940.

North Slough, Ore.
Time extended for dam construction, etc.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

50 Stat. 856; 52 Stat. 807.

Right reserved.

Approved, July 2, 1940.

[CHAPTER 512]

AN ACT

To permit certain aliens whose childhood was spent in the United States, if eligible to citizenship, to become naturalized without filing declaration of intention.

July 2, 1940
[H. R. 6443]
[Public, No. 707]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien who at the time of entering the United States is less than sixteen years of age may upon attaining the age of twenty-one years, if eligible to citizenship, be naturalized upon full and complete compliance with

Naturalization of aliens.
Post, p. 1140.
Persons entering U. S. when under 16 years of age.

Exceptions to re-
quirements.

Declaration of in-
tention.
Time for filing peti-
tion.

Entry prior to en-
actment of Act.

all the requirements of the naturalization laws, subject to the follow-
ing exceptions:

(a) No declaration of intention shall be required; and

(b) The petition for naturalization shall be filed within one year
after such alien attains the age of twenty-one years.

SEC. 2. Nothing in this Act shall be construed as preventing its
application to aliens who entered the United States prior to its
enactment.

Approved, July 2, 1940.

[CHAPTER 513]

AN ACT

July 2, 1940

[H. R. 7865]

[Public, No. 708]

To amend the Act for the regulation of the practice of dentistry in the District of
Columbia, and for the protection of the people from empiricism in relation
thereto, approved June 6, 1892, and Acts amendatory thereof.

District of Colum-
bia.
Practice of den-
tistry.

27 Stat. 42.
20 D. C. Code §§
211-238; Supp. V, §
223.

Board of Dental
Examiners.

Eligibility for ap-
pointment.

Term.

List of eligibles.
Officers of dental
schools, etc.

Election of officers.

Rules and regula-
tions.

Use of dental in-
ternes.

Examinations.

Seal, records, and
register.

Attendance of wit-
nesses, etc.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,* That the Act for
the regulation of the practice of dentistry in the District of Colum-
bia, and for the protection of the people from empiricism in
relation thereto, approved June 6, 1892, and Acts amendatory
thereof, are further amended to read as follows:

"SEC. 1. Members of the Board of Dental Examiners, five in
number, shall be appointed by the Board of Commissioners of the
District of Columbia.

"No person shall be eligible for appointment to the Board of
Dental Examiners who is not a citizen of the United States and
who has not been for five years next preceding his appointment
a resident of and in the active and reputable practice of dentistry
in the District of Columbia. Appointments shall be for a term of
five years or until their successors are appointed and qualified, and
shall be from a list of three to seven eligibles submitted by the
dental societies of the District of Columbia; and no officer or mem-
ber of the faculty of any dental school or college shall be eligible
for appointment upon said Board.

"SEC. 2. The Board of Dental Examiners shall organize by elect-
ing from its members a president, and a secretary-treasurer who
shall give bond to the United States in the sum of \$5,000. The
Board shall make and adopt such rules and regulations not incon-
sistent herewith as it deems necessary to effect the purposes of this
Act, including (but not limited thereto) rules and regulations
respecting the eligibility of candidates, the scope of examinations,
the conducting of examinations, and the said Board hereby is spe-
cifically authorized to make and enforce such rules as it may deem
proper for the purpose of regulating professional announcements
and the number of offices of a licensed dentist. The Board, in its
discretion, and under such rules and regulations as it may prescribe,
is hereby authorized to permit in hospitals the use of dental internes
who are graduates of approved dental schools. The Board shall
hold in January and June of each year, in such place as it may
designate, examinations to determine the fitness of applicants for
licenses as dentists under this Act.

"SEC. 3. The Board of Dental Examiners shall have an official seal,
and shall keep a record of its proceedings, a complete record of the
credentials of each licensee, and a register of persons licensed as den-
tists and of licenses revoked. A transcript of an entry in such records,
certified by the secretary-treasurer under seal of the Board, shall be
evidence of the facts therein stated.

"SEC. 4. The said Board shall have power to require the attendance
of persons and the production of books and papers and to require such

persons to testify in any and all matters within its jurisdiction. The president and secretary-treasurer of the Board shall have power to issue subpoenas and each shall have authority to administer oaths. Upon the failure of any person to attend as a witness, when duly subpoenaed, or to produce documents when duly directed by said Board, the Board shall have power to refer the said matter to any justice of the District Court of the United States for the District of Columbia, who may order the attendance of such witness, or the production of such documents, or require the said witness to testify, as the case may be, and upon the failure of the witness to attend, to testify, or to produce such documents, as the case may be, such witness may be punished for contempt of court as for failure to obey a subpoena issued or to testify in a case pending before said court. Witnesses who have been subpoenaed by the Board, and who testify if called upon, shall be paid the same fees that are paid witnesses in the District Court of the United States for the District of Columbia.

"SEC. 5. (1) It shall be the duty of the secretary-treasurer of the Board to enforce the provisions of all laws relating to the practice of dentistry in the District of Columbia, and all violations of said laws shall be prosecuted in the police court of the District of Columbia by the corporation counsel or one of his assistants; and the corporation counsel and his assistants shall render such other legal services as may from time to time be required by the Board of Dental Examiners.

"(2) The major and superintendent of the Metropolitan Police Department shall detail such members of his force as may be necessary to assist the Board in the investigations and prosecutions incident to the enforcement of this Act. The Board is authorized to employ such other persons as it deems necessary to assist in the investigation and prosecutions incident to the enforcement of this Act.

"SEC. 6. The Board of Dental Examiners shall make annual reports to the District Commissioners, containing a statement of moneys received and disbursed and a summary of its official acts during the preceding year.

"SEC. 7. Any person who desires to practice dentistry within the District of Columbia shall file with the secretary-treasurer of the Board a written application for a license, and furnish satisfactory proof that he is a citizen of the United States or has duly declared his intention to become a citizen of the United States, and is a graduate of a dental college approved by the Board. Such application must be upon the form prescribed by the Board, verified by oath, and accompanied by the required fee and a recent unmounted autographed photograph of the applicant. Any license issued to a person who is a citizen of a foreign country and who has duly declared his intention to become a citizen of the United States shall automatically terminate and the registration of the candidate be annulled in the event such candidate shall fail to submit to the Board satisfactory evidence within six years from the date of such license that he has become a citizen of the United States.

"SEC. 8. An applicant for a license to practice dentistry shall appear before the Board at its first meeting after the filing of his application, and pass a satisfactory examination, consisting of practical demonstrations and written or oral test, or both, in the following subjects: Anatomy, anesthetics, bacteriology, chemistry, histology, operative dentistry, oral surgery, orthodontia, pathology, physiology, prosthetic dentistry, materia medica, metallurgy, and therapeutics, and such other subjects as the Board may from time to time direct: *Provided*, That the Board may waive the theoretical examination in the case of an applicant who furnishes proof satisfactory to said Board that he is a graduate from a reputable dental college of a State or Territory of the United States, approved by the Board,

Subpoenas and oaths.

Failure of witness to testify, etc.; punishment.

Payment of witnesses.

Prosecution of law violations.

Police detail.

Report to Commissioners.

Application for license.

Form, etc.

Citizenship requirement.

Examination before Board.

Subjects.

Provisos.
Waiver of examination for certain State, etc., practitioners.

Reciprocity.	and holds a license from a similar dental board, with requirements equal to those of the District of Columbia, and who, for five consecutive years next prior to filing his application, has been in the lawful and reputable practice of dentistry in the State or Territory of the United States from which he applies: <i>Provided</i> , That the laws of such State or Territory accord equal rights to a dentist of the District of Columbia holding a license from the Board of the District of Columbia, who desires to practice his profession in such State or Territory of the United States. An applicant desiring to register in the District of Columbia under this section must furnish the Board with a letter from the secretary of the board of dental examiners under seal of the board of dental examiners of the State or Territory of the United States from which he applies, which shall state that he has been in the lawful and reputable practice of dentistry in the State or Territory from which he applies for the five years next prior to filing his application, and shall also attest to his moral character and professional qualifications.
Evidence of State, etc., practice.	“Sec. 9. If such applicant passes the examination and is, in the opinion of the Board, of good moral character, he shall receive a license from the Board, attested by its seal, signed by the members of the Board, and registered with the health officer, which, after being registered with the health officer, shall be conclusive evidence of his right to practice dentistry in the District of Columbia. If the loss of a license is satisfactorily shown, a duplicate thereof shall be issued by the Board upon payment of the required fee.
License conclusive evidence of right to practice.	“Sec. 10. The practice of dentistry in the District of Columbia is hereby declared to affect the public health and safety and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the dental profession merit and receive the confidence of the public and that only qualified dentists be permitted to practice dentistry in the District of Columbia. All provisions of this Act relating to the practice of dentistry shall be construed in accordance with this declaration of policy.
Loss of license.	“Sec. 11. The District Court of the United States for the District of Columbia may revoke or suspend the license of any dentist in the District of Columbia upon proof satisfactory to said court—
Declaration of policy.	“(a) That said license or registration was procured through fraud or misrepresentation.
Revocation, etc., of license.	“(b) That the holder thereof has been convicted of an offense involving moral turpitude.
	“(c) That the holder thereof is guilty of chronic or persistent inebriety, or addiction to habit-forming drugs.
	“(d) That the holder thereof is guilty of advertising professional superiority or the performance of professional services in a superior manner; advertising prices for professional service; advertising by means of large display, glaring light signs, or containing as a part thereof the representation of a tooth, teeth, bridgework, or any portion of the human head; employing or making use of solicitors or free publicity press agents directly or indirectly; or advertising any free dental work, or free examination; or advertising to guarantee any dental service or to perform any dental operation painlessly.
	“(e) That such holder is guilty of conduct which disqualifies him to practice with safety to the public.
	“(f) That such holder is guilty of hiring, supervising, permitting, or aiding unlicensed persons to practice dentistry.
	“(g) That such holder, being a manager, proprietor, operator, or conductor of a place where dental operations are performed, employs a person who is not a licensed dentist to practice dentistry as defined in this Act, or permits such persons to practice dentistry in his office.

"(h) That such holder is guilty of unprofessional conduct.

"The following acts on the part of a licensed dentist are hereby declared to constitute unprofessional conduct:

Acts deemed unprofessional conduct.

"(1) Practicing while his license is suspended.

"(2) Willfully deceiving or attempting to deceive the Board or their agents with reference to any matter under investigation by the Board.

"(3) Advertising by any medium other than the carrying or publishing of a modest professional card or the display of a modest window or street sign at the licensee's office, which professional card or window or street sign shall display only the name, address, profession, office hours, telephone connections, and, if his practice is so limited, his specialty: *Provided*, That in case of announcement of change of address or the starting of practice, the usual size card of announcement may be used. The size of said cards or signs shall be designated by the Board.

Proviso.
Announcement of
change of address, etc.

"(4) Practicing dentistry under a false or assumed name or corporate name other than a partnership name containing the names of the partners, or any name except his full proper name which shall be the name used in his license granted by the Board.

"(5) Violating this Act or aiding any person to violate this Act or violating or aiding any person to knowingly violate the dental practice act of any State or Territory.

"(6) Practicing in the employment of, or in association with, any person who is practicing in an unlawful or unprofessional manner.

"The foregoing specifications of acts constituting unprofessional conduct shall not be construed as a complete definition of unprofessional conduct nor as authorizing or permitting the performance of other or similar acts not denounced, or as limiting or restricting the said court from holding that other or similar acts also constitute unprofessional conduct.

"SEC. 12. The District Court of the United States for the District of Columbia may suspend or revoke any license issued and any registration upon evidence showing to the satisfaction of the court that the licentiate or registrant, as the case may be, has been guilty of misconduct or is professionally incapacitated.

Misconduct or professional incapacity; penalty.

"Proceedings looking toward the suspension or revocation of a license or registration shall be begun by petition filed in the District Court of the United States for the District of Columbia in the name of the Board of Dental Examiners and shall be verified by oath. Proceedings shall be conducted according to the ordinary rules of equity practice and such supplementary rules as said court may deem expedient to carry into effect the purposes and intent of this Act; and said court is hereby authorized to make such supplementary rules. An appeal may be taken from the decision of the District Court of the United States for the District of Columbia to the United States Court of Appeals of said District. Any such appeal on behalf of the Board of Dental Examiners may be filed without bond. The District Court of the United States for the District of Columbia may determine whether a license or registration shall be suspended or revoked, and if such license is to be suspended said court may determine the duration of such suspension and the conditions under which such suspension shall terminate.

Revocation, etc., proceedings.

Rules applicable.

Appeal.

Determination.

Duration of suspension.

"SEC. 13. That in addition to the fees heretofore fixed herein each applicant for a license as dentist shall deposit with his application a fee of \$20; with each application for a duplicate license a fee of \$5 shall be paid to said Board, and for each certificate issued by said Board a fee of \$1 shall be paid. That out of the fees paid to said Board, as provided by this Act, there shall be defrayed all expenses incurred in carrying out the provisions herein contained,

Fees.

Expenses payable from fees.

<i>Proviso.</i> Limitation on ex- penses. Registration.	including the detection and prosecution of violations of this Act, together with a fee of \$10 per diem for each member of said Board for each day he may be actually engaged upon business pertaining to his official duties as such Board member: <i>Provided</i> , That such expense shall in no event exceed the total of receipts.
Fee. Mailing of blank forms.	<p>“SEC. 14. During the month of December of each year, every licensed dentist shall register with the secretary-treasurer of the Board his name and office address and such other information as the Board may deem necessary upon blanks obtainable from said secretary-treasurer, and thereupon pay a registration fee of \$5. On or before the 1st day of November of each year it shall be the duty of the secretary-treasurer of the Board to mail to each dentist licensed in the District of Columbia, at his last-known address, a blank form for registration. In the event of failure to register on or before the 31st day of December a fine of \$5 and the registration fee of \$5 will be imposed, and should the practitioner fail to register and pay the fine imposed and continue to practice his profession in the District of Columbia, he shall at the end of ten days from said date be considered as practicing illegally and penalized as otherwise provided for in this Act. If he suspends his practice he may, in the discretion of the Board, upon furnishing satisfactory evidence as to his moral character and professional standing, be reinstated at any time upon registering and paying a prescribed fee of \$25. On or before the 1st day of February, annually, said Board shall issue a printed register of the names and addresses so received, together with other information deemed interesting to the profession, a copy of which shall be mailed or otherwise sent to each registrant thereon.</p>
Failure to register.	<p>“SEC. 15. Any person shall be deemed to be practicing dentistry who performs, or attempts or advertises to perform, any dental operation or oral surgery or dental service of any kind gratuitously or for a salary, fee, money, or other remunerations paid, or to be paid, directly or indirectly, to himself or to any other person or agency; or who is a manager, proprietor, operator, or conductor of a place where dental operations, oral surgery, or dental services are performed; or who directly or indirectly, by any means or method, furnishes, supplies, constructs, reproduces, or repairs any prosthetic denture, bridge, appliance, or any other structure to be worn in the human mouth, except on the written prescription of a duly licensed and practicing dentist; or who places such appliance or structure in the human mouth or attempts to adjust the same, or delivers the same to any person other than the dentist upon whose prescription the work was performed; or who advertises to the public, by any method, to furnish, supply, construct, reproduce, or repair any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth; or who diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats or professes to treat disease, pain, deformity, deficiency, injury, or physical condition of human teeth or jaws, or adjacent structures; or who extracts or attempts to extract human teeth, or corrects or attempts or professes to correct malpositions of teeth or of the jaws; or who gives, or professes to give interpretations or readings of dental roentgenograms; or who administers an anesthetic of any nature in connection with a dental operation; or who uses the words ‘dentist’, ‘dental surgeon’, ‘oral surgeon’, the letters ‘D. D. S.’, ‘D. M. D.’, or any other words, letters, title, or descriptive matter which in any way represent him as being able to diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury, or physical condition of human teeth or jaws, or</p>
Reinstatement.	
Printing of annual register.	
Persons deemed practicing dentistry.	

adjacent structures; or who states, or advertises or permits to be stated or advertised, by sign, card, circular, handbill, newspaper, radio, or otherwise, that he can perform or will attempt to perform dental operations or render a diagnosis in connection therewith or who engages in any of the practices included in the curricula of recognized dental colleges. Notwithstanding the provisions of this section, no person shall be deemed to be practicing dentistry who on the date of the enactment of this Act is operating a radiographic laboratory for the purpose of making radiographs, or giving written clinical interpretations or readings of dental radiographs, to be used solely by dentists and physicians in making diagnoses.

Operator of radiographic laboratory excepted.

"SEC. 16. On and after the passage of this Act it shall be unlawful for any person or persons to practice or offer to practice dentistry or dental surgery under any name except his proper name, which shall be the name used in his license granted to him as a dentist, as provided for in this Act; and unlawful to use the name of any company, association, corporation, trade name, or business name in connection with the practice of dentistry as defined in this law. Any person convicted of a violation of the provisions of this section shall be fined for the first offense not more than \$200, and upon a second or any subsequent conviction thereof, by a fine not to exceed \$500, and upon conviction his license may be suspended or revoked.

Unlawful use of names.

Penalty.

"SEC. 17. Nothing in this Act shall apply to a bona fide student of dentistry in the clinic rooms of a reputable dental college; to a legally qualified physician or surgeon unless he practices dentistry as a specialty; to a qualified anesthetist, physician, or registered nurse employed to give an anesthetic for a dental operation under the direct supervision of a licensed dentist; to a dental surgeon of the United States Army, Navy, Public Health Service, or Veterans' Administration, in the discharge of his official duties, nor to a lawful practitioner of dentistry in another State or Territory making a clinical demonstration before a dental society, convention, association of dentists, or dental college, or performing his duties in connection with a specific case on which he may have been called to the District of Columbia.

Inapplicability of Act to designated persons.

"SEC. 18. Whoever engages in the practice of dentistry and fails to keep displayed in a conspicuous place in the operating room in which he practices, and in such manner as to be easily seen and read, the license and annual registration card granted him pursuant to the laws of the District of Columbia, shall be fined not more than \$50.

Display of license and registration card.

"SEC. 19. Whoever sells or offers to sell a diploma conferring a dental degree or a certificate granted for postgraduate work, or a license granted pursuant to this Act, or whoever, not being the person to whom a diploma, certificate, or license was granted, procures such diploma, certificate, or license with intent to use the same as evidence of his right to practice dentistry, or whoever, with fraudulent intent, alters any diploma, certificate, or license, or uses or attempts to use the same, shall be fined not more than \$1,000.

Fraudulent use of licenses, etc.

"SEC. 20. Whoever practices dentistry under a false name, or assumes a title, or appends or prefixes to his name letters which falsely represent him as having a degree from a chartered dental college, or makes use of the words 'dental college' or 'school' or equivalent words when not lawfully authorized so to do, or impersonates another at an examination held by the Board, or knowingly makes a false application or a false representation in connection with such examination, shall be fined not more than \$1,000.

Practice under false name, etc.

"SEC. 21. No person or persons, corporation, or educational institution, except those now duly chartered, shall conduct classes or a

Board approval of dental classes, etc.

school for postgraduate dentistry in the District of Columbia unless with the approval of the Board, and whoever violates this provision shall, upon conviction, be fined not more than \$500.

Dental hygienist.

"SEC. 22. It shall be unlawful for any person to follow the occupation of dental hygienist in the District of Columbia without having first complied with the provisions of this Act and having been registered as hereinafter provided.

Application for license.

"SEC. 23. Any person of good moral character and a citizen of the United States being not less than eighteen years of age, who desires to register as a dental hygienist in the District of Columbia and files with the secretary-treasurer of the Board a written application for a license, and furnishes satisfactory proof that he is a graduate of a training school for dental hygienists requiring a course of not less than one academic year, and approved by the Board, may make application to be licensed as a dental hygienist in the District of Columbia upon the form prescribed by the Board, verified by oath, and accompanied by the required fee (\$10) and a recent unmounted autographed photograph of applicant.

Form, fee, etc.

Examination before Board.

"SEC. 24. An applicant for a license as dental hygienist shall appear before the Board at its first examination after the filing of his application and pass a satisfactory examination consisting of practical demonstrations and written or oral tests on such subjects as the Board may direct. If such applicant passes the examination and is of good moral character, he shall receive a license from the Board, attested by its seal, signed by the members of the Board, which after being registered with the health officer shall be conclusive evidence of his right to practice as a dental hygienist in the District of Columbia according to the provisions of this Act.

License conclusive evidence of right to practice.

Employment of dental hygienists; limitation.

"SEC. 25. No licensed dentist may employ more than two such licensed dental hygienists without written permission of the Board. Public institutions and the Health Department of the District of Columbia may employ such licensed dental hygienists and shall not be limited as to the number of licensed dental hygienists that may be employed. A licensed dental hygienist may remove calcic deposits, accretions, and stains from the surfaces of the teeth, but shall not perform any other operation, or diagnose or treat any pathological conditions of the teeth or tissues of the mouth. A registered dental hygienist may operate only under the general direction or supervision of a licensed dentist, in his office or in any public school or other institution rendering dental services, not in violation of the provisions of this Act. The District Court of the United States for the District of Columbia may suspend, or revoke, the license of any dentist who shall permit any dental hygienist, operating under his supervision, to perform any operation other than that permitted under the provisions of this section, and it also may suspend or revoke, the license of any dental hygienist violating the provisions of this Act; the procedure to be followed in the case of such suspension or revocation, shall be the same as that prescribed by law in the case of suspension or revocation of the license of a dentist.

Scope of employment.

Supervision, etc.

Unauthorized operations; penalty.

Licensing of certain State, etc., practitioners.

"SEC. 26. Any dental hygienist of good moral character duly licensed to practice as such in any State or Territory of the United States, having and maintaining an equal standard of laws regulating the practice of dental hygiene with the laws of the District of Columbia, who has been in the lawful practice of dental hygiene for a period of not less than two years in such State or Territory and who files with the secretary-treasurer of the Board of the District of Columbia a certificate from the board of the State or Territory in which he is licensed, certifying to his professional qualifications and length of service, and who passes a satisfactory practical

examination conducted by the Board, may at the discretion of the Board be licensed without further examination upon the payment of the required fee of \$10 and the certificate fee of \$1: *Provided*, That the laws of such State or Territory accord equal rights to a dental hygienist of the District of Columbia holding a license from the Board of the District of Columbia who desires to practice dental hygiene in such State or Territory of the United States.

"SEC. 27. The duties and powers of the Board respecting the practice of dentistry as set forth in this Act shall apply, unless otherwise specified, equally and in all respects whatsoever to the practice of dental hygiene; and the practice of dental hygiene is hereby declared to affect the public health and safety and to be subject to regulation and control in the public interest to the same extent as herein set forth with respect to the practice of dentistry. The annual registration fee for licensed dental hygienists shall be \$3.

"SEC. 28. Whoever engages in the practice of dentistry without a license so to do, or whoever violates any provision of law relating to the practice of dentistry or dental hygiene or the application for examination and licensing of dentists and dental hygienists, for which no specific penalty has been prescribed shall be fined not more than \$1,000.

"SEC. 29. A second or subsequent conviction under sections 19, 20, 21, and 28 shall be punished by the maximum penalties prescribed therein, or imprisonment in jail or workhouse not less than six months nor more than one year, or by both such fine and imprisonment.

"SEC. 30. When used in this Act—

"(1) Personal pronouns include all genders.

"(2) The term 'Board' means the Board of Dental Examiners.

"(3) Advertising shall be deemed to include those in public print, by radio, or any other form of public announcement.

"SEC. 31. Rules and regulations adopted by the Board shall become effective thirty days after promulgation: *Provided*, That notice of such rules and regulations is published once a week for three consecutive weeks during that period in a newspaper of general circulation in the District of Columbia, and that notice be mailed to each registered dentist and dental hygienist in the District of Columbia.

"SEC. 32. Should any section or provision of this Act be decided by the courts to be unconstitutional or invalid, the validity of the Act as a whole or of any part thereof other than the part decided to be unconstitutional shall not be affected. The right to alter, amend, or repeal this Act is hereby expressly reserved.

"SEC. 33. All Acts or parts thereof heretofore enacted into law and inconsistent herewith are hereby repealed."

Approved, July 2, 1940.

Reciprocity.

Authority of Board applicable to practice of dental hygiene.

Declaration of policy.

Registration fee.

Practicing without license, etc.; penalty.

Penalty for subsequent convictions.

Terms construed.

Rules and regulations; when effective. *Proviso.* Notice.

Separability clause.

Right reserved.

Repeal.

[CHAPTER 514]

AN ACT

To amend section 5 of the Act of Congress approved June 26, 1906, relative to the Alaska Salmon fishery.

July 2, 1940
[H. R. 8172]

[Public, No. 709]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act of Congress approved June 26, 1906, entitled "An Act for the protection and regulation of the fisheries of Alaska", as amended is further amended by inserting after the word "barter" in the first sentence of said section a comma and the following: "and except by hook and line for either personal or commercial use,".

Approved, July 2, 1940.

Alaska.
Weekly closed season for taking salmon.
34 Stat. 479; 43 Stat. 466.
48 U. S. C. § 234.

[CHAPTER 515]

AN ACT

July 2, 1940
[H. R. 8285]
[Public, No. 710]

Imports made, etc.,
under process covered
by U. S. patent.

46 Stat. 703.
19 U. S. C. § 1337.

To limit the importation of products made, produced, processed, or mined under process covered by unexpired valid United States patents, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the importation hereafter for use, sale, or exchange of a product made, produced, processed, or mined under or by means of a process covered by the claims of any unexpired valid United States letters patent, whether issued heretofore or hereafter, shall have the same status for the purposes of section 337 of the Tariff Act of 1930 as the importation of any product or article covered by the claims of any unexpired valid United States letters patent.

Approved, July 2, 1940.

[CHAPTER 516]

AN ACT

July 2, 1940
[H. R. 8919]
[Public, No. 711]

Barro Colorado Is-
land, C. Z.
Setting aside for
scientific study, etc.

Preservation of nat-
ural features.

Board of Directors
of the Canal Zone
Biological Area.

Officers.

Terms of biologist
members.

Proviso.
Initial appoint-
ments.
Vacancies.

Service without
compensation; travel,
etc., expenses.

Meetings.

Policy determina-
tions, etc.

To authorize the setting aside of an area within the Canal Zone to preserve and conserve its natural features for scientific study, for providing and maintaining facilities for such study, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and directed to set aside within the Canal Zone an area in Gatun Lake known as Barro Colorado Island in which the natural features shall, except in event of declared national emergency, be left in their natural state for scientific observation and investigation.

SEC. 2. The purpose of setting aside such an area is to preserve and conserve its natural features, including existing flora and fauna, in as nearly a natural condition as possible, thus providing a place where duly qualified students can make observations and scientific investigations for increase of knowledge, under such conditions and regulations as may be prescribed by the Board of Directors of the Canal Zone Biological Area.

SEC. 3. The Secretary of War, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of the Smithsonian Institution, the President of the National Academy of Sciences and three distinguished biologists of the United States of America, appointed by the President of the National Academy of Sciences with the approval of the Secretaries of War, Agriculture, Interior, and the Smithsonian Institution, shall constitute the Board of Directors of the Canal Zone Biological Area. The President of the National Academy of Sciences shall be the chairman of the Board and the Secretary of the Smithsonian Institution the vice chairman. The biologists of distinction appointed by the President of the National Academy of Sciences shall each serve for a term of three years: *Provided*, That of the three first appointed, one shall be designated to serve for one year, one for two years, and one for three years. Vacancies in appointed membership occurring from any cause shall be filled in the same manner as the appointment and for the same period. The members of the Board of Directors of the Canal Zone Biological Area shall serve without compensation but subsistence and travel expenses incident to attendance of called meetings of the Board may, on appropriate action of the Board, be paid from funds available to it.

SEC. 4. The Board of Directors of the Canal Zone Biological Area shall (a) meet in Washington, District of Columbia, at least once in each calendar year to consider policies and procedures for carrying out the purpose of this Act; (b) determine the policy, prescribe conditions under which studies may be pursued within

the area, and promulgate regulations for carrying out the purposes of this Act; (c) be responsible for the construction and maintenance of laboratory and other facilities on the area provided for the use of students authorized to carry on studies within the confines of the area; (d) deposit into the Treasury of the United States sums donated or subscribed or collected to be expended for carrying out the purposes of this Act; (e) in its discretion, fixed charges that may be made for use of laboratory or other facilities provided students authorized to make observations and investigations within the prescribed area and provide for the collection of such sums for deposit into the Treasury of the United States; (f) make such disposal of any moneys donated, subscribed, collected, or otherwise provided as in their judgment is to the best interest in carrying out the purpose of this Act: *Provided*, That sums contributed or appropriated for specific purposes shall be used for such purpose only; and (g) through its chairman submit to the Congress of the United States not later than the 15th day of each January a report of activities and operations during the preceding year.

SEC. 5. At each annual meeting, or at special meetings should occasion so demand, the Board of Directors of the Canal Zone Biological Area shall appoint an executive officer whom they may authorize to carry out functions of the Board. With the approval of the Board the executive officer may select and designate a resident manager to assist in carrying out the policy, conditions, and regulations approved by the Board of Directors of the Canal Zone Biological Area in compliance with the purposes of this Act. The executive officer and the resident manager shall receive such compensation for their services as may be allowed by the Board of Directors of the Canal Zone Biological Area.

SEC. 6. All moneys received by donation, subscription, fees, or otherwise, except the moneys appropriated pursuant to section 7, for carrying out the purposes of this Act shall be deposited into the Treasury as trust funds and are hereby appropriated for such purposes. Disbursements of such funds shall be made by the Secretary of the Treasury through the Division of Disbursement on requisitions or vouchers signed by or on authority of the executive officer of the Board of Directors of the Canal Zone Biological Area.

SEC. 7. There is authorized to be appropriated annually, from money in the Treasury of the United States not otherwise appropriated, not to exceed \$10,000 for expenses necessary in the administration of this Act and for the maintenance of laboratory or other facilities provided for carrying out the purposes of this Act.

Approved, July 2, 1940.

[CHAPTER 517]

AN ACT

Authorizing the Administrator of the Federal Works Agency to transfer certain property in San Francisco, California, to the city and county of San Francisco for street purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of the Federal Works Agency is authorized and directed to transfer to the city and county of San Francisco, California, by the usual quitclaim deed, all the right, title, and interest of the United States in and to that portion of the Mint property in the city of San Francisco which is now used for street purposes, particularly described as follows:

Commencing at a point on the northwesterly line of Mission Street, distant thereon two hundred and seventy-five feet southwesterly from the southwesterly line of Fifth Street, and running thence at

Construction of laboratory, etc.

Deposit of funds.

Fixing of charges, etc.

Disposal of moneys donated, etc.

Proviso.
Use of funds.

Report to Congress.

Executive officer.

Resident manager.

Compensation.

Deposit of donations, etc., as trust funds.

Disbursements.

Appropriation authorized.

July 2, 1940
[H. R. 9063]

[Public, No. 712]

San Francisco, Calif.
Transfer of certain property to city and county.

Description.

right angles northwesterly two hundred and seventy-five feet; thence at right angles northeasterly two hundred and seventy-five feet to a point on the southwesterly line of Fifth Street, distant thereon two hundred and seventy-five feet northwesterly from the northwesterly line of Mission Street; thence at right angles southeasterly, along said southwesterly line of Fifth Street, fifty-four feet; thence at right angles southwesterly two hundred and fifteen feet; thence at right angles southeasterly two hundred and twenty-one feet to the northwesterly line of Mission Street; thence at right angles southwesterly, along said northwesterly line, sixty feet to the point of commencement; being a portion of 100 Vara Lot 198, Block 380.

Approved, July 2, 1940.

[CHAPTER 518]

AN ACT

To amend section 10 of chapter 5 of Public Act Numbered 436, Seventy-third Congress, approved June 19, 1934.

July 2, 1940
[H. R. 9299]
[Public, No. 713]

District of Columbia.
Life Insurance Act,
amendments.

48 Stat. 1164.
5 D. C. Code, Supp.
V, § 220i.

Creditor's group
policies.

48 Stat. 1166.
5 D. C. Code, Supp.
V, § 220j, par. 4.
Nonapplication of
designated provisions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of chapter 5 of Public Act Numbered 436, Seventy-third Congress, known as the "Life Insurance Act", approved the 19th day of June 1934, be amended by changing the last period to a semicolon and inserting in parentheses the letter (e) and following with the language: "life insurance covering only the lives of members of a group of persons for not more than \$2,000 on any one life numbering not less than one hundred new entrants to the group yearly who become borrowers from one lending institution, including subsidiary or affiliated companies, under agreement to repay the sum borrowed in installments or who become purchasers of securities, merchandise, or other property from one vendor under agreement to repay the sum borrowed or to pay the balance of the price of the securities, merchandise, or other property purchased in installments in either event to the extent of their indebtedness to said lending institution or vendor but not to exceed \$2,000 on any one life written under a policy which may be issued upon the application of and made payable to the lending institution or vendor or other creditor to whom such vendor may have transferred title to the indebtedness as beneficiary the premium on such policy to be payable by the borrower lending institution vendor or other creditor."; and that paragraph 4 of section 11, of the same Life Insurance Act be amended by adding the following sentence at the end: "The provisions of this paragraph shall not apply to insurance described in item (e) of section (10)."

Approved, July 2, 1940.

[CHAPTER 519]

AN ACT

To amend section 40, National Defense Act, as amended, relating to the organization of the Reserve Officers' Training Corps, so as to provide for an exception with respect to the University of Alaska.

July 2, 1940
[H. R. 9391]
[Public, No. 714]

National Defense
Act, amendment.
39 Stat. 191; 41 Stat.
776.

10 U. S. C. § 381.
Proviso.
R. O. T. C. infantry
unit at University of
Alaska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 40 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, amended by adding thereto the following additional proviso: "*Provided further,* That an infantry unit may be established and maintained at the University of Alaska upon the condition that this institution shall maintain under military instruction at least fifty physically fit male students."

Approved, July 2, 1940.

[CHAPTER 520]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Shawneetown, Illinois.

July 2, 1940
[H. R. 9509]
[Public, No. 715]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Ohio River at or near Shawneetown, Illinois, authorized to be built by the County of Gallatin, State of Illinois, by an Act of Congress approved July 18, 1939, is hereby extended one and three years, respectively, from July 18, 1940.

Ohio River.
Time extended for
bridging, at Shawnee-
town, Ill.

53 Stat. 1058.

Right reserved.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, July 2, 1940.

[CHAPTER 521]

AN ACT

To amend the Soil Conservation and Domestic Allotment Act, as amended, the Agricultural Adjustment Act of 1938, as amended, and for other purposes.

July 2, 1940
[H. R. 9594]
[Public, No. 716]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 (b) of the Soil Conservation and Domestic Allotment Act, as amended, be amended by adding the following sentence at the end thereof: "In carrying out the provisions of this subsection, the Secretary may transfer to the Federal Crop Insurance Corporation, prior to the execution of applications for insurance or requests for advances by producers, the funds estimated as necessary to cover the advances which will be requested for the payment of premiums under a crop-insurance program, and any portion of such funds not used for advances to producers under such program shall be returned to the Secretary by the Federal Crop Insurance Corporation."

Soil Conservation
and Domestic Allot-
ment Act, amend-
ments.
53 Stat. 550.
16 U. S. C., Supp. V,
§ 590f.
Transfer of desig-
nated funds to Feder-
al Crop Insurance
Corporation.

SEC. 2. That paragraph (5) of subsection (c) of section 8 of the Soil Conservation and Domestic Allotment Act, as amended, is amended by adding at the end thereof the following sentence: "Such normal yield per acre for any county need be redetermined only when the actual average yield for the ten calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 per centum from the actual average yield for the ten years upon which the existing normal yield per acre for the county was based."

52 Stat. 33.
16 U. S. C., Supp.
V, § 590h (c) (5).
Wheat or corn, nor-
mal yield redeter-
mination.

SEC. 3. That paragraph (6) of subsection (b) of section 301 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

"(6) (A) 'Market', in the case of corn, cotton, rice, tobacco, and wheat, means to dispose of, in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift *inter vivos*, and, in the case of corn and wheat, by feeding (in any form) to poultry or livestock which, or the products of which, are sold, bartered, or exchanged, or to be so disposed of, but does not include disposing of any of such commodities as premium to the Federal Crop Insurance Corporation under title V.

Agricultural Adjust-
ment Act of 1938,
amendments.
52 Stat. 40.
7 U. S. C., Supp. V,
§ 1301 (b) (6).
"Market," in the
case of corn, cotton,
rice, tobacco, and
wheat.

"(B) 'Marketed', 'marketing', and 'for market' shall have corresponding meanings to the term 'market' in the connection in which they are used."

"Marketed," "mar-
keting," etc., con-
strued.

SEC. 4. That subparagraph (A) of paragraph (13) of subsection (b) of section 301 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

52 Stat. 41.
7 U. S. C., Supp. V,
§ 1301 (b) (13) (A).

Corn or wheat, normal yield determination and redetermination.

"(13) (A) 'Normal yield' for any county, in the case of corn or wheat, shall be the average yield per acre of corn or wheat for the county during the ten calendar years immediately preceding the year in which such normal yield is determined, adjusted for abnormal weather conditions and trends in yields. Such normal yield per acre for any county need be redetermined only when the actual average yield for the ten calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 per centum from the actual average yield for the ten years upon which the existing normal yield per acre for the county was based."

52 Stat. 41.
7 U. S. C., Supp. V,
§ 1301 (b) (13) (B).

SEC. 5. That subparagraph (B) of paragraph (13) of subsection (b) of section 301 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

Cotton, normal yield determination.

"(B) 'Normal yield' for any county, in the case of cotton, shall be the average yield per acre of cotton for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined."

52 Stat. 204.
7 U. S. C., Supp. V,
§ 1372 (c).
Refund of penalties erroneously collected.

SEC. 6. That subsection (c) of section 372 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the words "within one year" and inserting in lieu thereof the words "within two years"; by adding after the words "wrongfully collected" and before the comma the words "and the claimant bore the burden of the payment of such penalty"; and by adding after the first paragraph the following new paragraph:

Identification of farms.
Scheduling of receipts, etc.

"Notwithstanding any other provision of law, the Secretary is authorized to prescribe by regulations for the identification of farms and it shall be sufficient to schedule receipts into special deposit accounts or to schedule such receipts for transfer therefrom, or directly, into the separate fund provided for in subsection (b) hereof by means of such identification without reference to the names of the producers on such farms."

52 Stat. 68.
7 U. S. C., Supp. V,
§ 1385.

SEC. 7. That section 385 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following new sentence: "In case any person who is entitled to any such payment dies, becomes incompetent, or disappears before receiving such payment, or is succeeded by another who renders or completes the required performance, the payment shall, without regard to any other provisions of law, be made as the Secretary of Agriculture may determine to be fair and reasonable in all the circumstances and provide by regulations."

Payments in case of payee's death, etc.

52 Stat. 69.
7 U. S. C., Supp. V,
§ 1391.

SEC. 8. That section 391 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding thereto the following new subsection:

Loans by Commodity Credit Corporation.

"(c) During each fiscal year, beginning with the fiscal year ending June 30, 1941, the Commodity Credit Corporation is authorized and directed to loan to the Secretary such sums, not to exceed \$50,000,000, as he estimates will be required during such fiscal year, to make crop insurance premium advances and to make advances pursuant to the applicable provisions of sections 8 and 12 of the Soil Conservation and Domestic Allotment Act, as amended, in connection with programs applicable to crops harvested in the calendar year in which such fiscal year ends, and to pay the administrative expenses of county agricultural conservation associations for the calendar year in which such fiscal year ends. The sums so loaned during any fiscal year shall be transferred to the current appropriation available for carrying out sections 7 to 17 of such Act and shall be repaid, with interest at a rate to be determined by the Secretary but not less than the cost of money to the Commodity Credit Corporation for a comparable period, during the succeeding fiscal year from the appropria-

49 Stat. 1149, 1151.
16 U. S. C., Supp. V,
§§ 590h, 590i.

Repayment.

49 Stat. 1148-1151.
16 U. S. C., Supp. V,
§§ 590g-590q.

tion available for that year or from any unobligated balance of the appropriation for any other year.”

SEC. 9. That where an agricultural adjustment or conservation payment has been made to a person, and all or a part of such payment was earned by a second person by virtue of his having, in good faith, contributed to the rendering of performance for which the payment was made, but who did not enter into or apply for an adjustment contract prior to January 6, 1936, or with respect to any agricultural conservation payment did not apply for payment prior to the expiration of the obligating period of the applicable appropriation or prior to any earlier administrative closing date authorized by the Secretary of Agriculture, and the first person turned over to the second person, as substantiated by evidence acceptable to the Secretary, all or a part of the share of such payment so earned by the second person or refunds all or a part of such share to the United States, such second person shall be deemed to have been entitled to receive such sum from the first person, or where such amount is refunded to the United States shall be entitled to receive from the United States the amount so refunded, as a discharge, to the extent of the amount turned over to, or received by, such second person, of an obligation or commitment which is hereby deemed to have arisen by virtue of his contribution to the performance rendered.

An agricultural adjustment payment under this section shall be considered to be a payment made under section 8 of the Agricultural Adjustment Act of 1933 or the item entitled “Payments for agricultural adjustment”, contained in the Supplemental Appropriation Act, fiscal year 1936, as amended by the Act of June 25, 1936; and an agricultural conservation payment under this section shall be considered to be a payment made under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, under any program formulated for any year from 1936 to 1939, inclusive.

Approved, July 2, 1940.

Correction of certain inequities in agricultural adjustment or conservation payments.

Payments construed.

48 Stat. 34.
7 U. S. C. § 608;
Supp. V, § 608.
49 Stat. 1116, 1925.

49 Stat. 1149.
16 U. S. C., Supp.
V, § 590h.

[CHAPTER 522]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Susquehanna River at or near the city of Harrisburg, Pennsylvania.

July 2, 1940
[H. R. 9618]
[Public, No. 717]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Susquehanna River, at or near the city of Harrisburg, Pennsylvania, authorized to be built by the Dauphin County (Pennsylvania) Authority by an Act of Congress approved August 7, 1939, are hereby extended one and three years, respectively, from May 1, 1940.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, July 2, 1940.

Susquehanna River.
Time extended for
bridging, at Harris-
burg, Pa.

53 Stat. 1263.

Right reserved.

[CHAPTER 523]

AN ACT

To enlarge and extend the power and jurisdiction of the Board of Education over degree-conferring institutions operating within the District of Columbia.

July 2, 1940
[H. R. 9633]
[Public, No. 718]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board of Education shall be, and is hereby, authorized and empowered to accredit junior colleges operating within the District of Columbia:

District of Colum-
bia.
Accrediting of jun-
ior colleges.

Proviso.
Entrance
ments, etc. require-

Provided, That the entrance requirements of such junior colleges be not less than high-school graduation, and the number of semester-hours required for the title associate in arts or associate in science be not less than sixty, and the number and character of the courses offered and the number and qualifications of the faculty be reasonable, and the institution be possessed of suitable classroom, laboratory, and library equipment.

Force and effect of
accreditation.

That accreditation by the Board of Education of the District of Columbia shall have the same force and effect as is usual in the case of accreditation by the various accrediting agencies of the several States of the Union.

Approved, July 2, 1940.

[CHAPTER 524]

AN ACT

To amend the District of Columbia Unemployment Compensation Act.

July 2, 1940
[H. R. 9791]
[Public, No. 719]

District of Colum-
bia Unemployment
Compensation Act,
amendments.
49 Stat. 946.
Ante, p. 149.
8 D. C. Code, Supp.
V, §§ 311-335.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Unemployment Compensation Act, approved August 28, 1935, is further amended to read as follows:

TITLE I

8 D. C. Code, Supp.
V, § 311.
Ante, p. 149.

Add a new paragraph to section 1 (b) of District of Columbia Unemployment Compensation Act, approved August 28, 1935, as follows:

"Employment."
Service excepted.

"(10) Service performed by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission."

Proviso.
"Wages."

At the end of section 1 (c) change the period to a colon and add the following: "*Provided*, That such term 'wages' shall not include that part of the remuneration which, after remuneration equal to \$3,000 has been paid to any individual by an employer with respect to employment during any calendar year, is paid to such individual by such employer with respect to employment during such calendar year and after December 31, 1939."

"Benefit year" de-
fined.

Substitute the following subsection (d) for section 1 (d):

"(d) 'Benefit year' with respect to any individual means the fifty-two-consecutive-week period beginning with the first day of the first week with respect to which the individual first files a valid claim for benefits, and thereafter the fifty-two-consecutive-week period beginning with the first day of the first week with respect to which the individual next files a valid claim for benefits after the termination of his last preceding benefit year. Any claim for benefits made in accordance with section 12 (a) of this Act shall be deemed to be a 'valid claim' for the purposes of this subsection if the individual has during his base period been paid wages for employment by employers equal to not less than whichever is the lesser of (1) twenty-five times his weekly benefit amount, and (2) \$250."

Claims deemed val-
id.
8 D. C. Code, Supp.
V, § 322 (a).

Substitute the following subsection (e) for section 1 (e):

"Unemployed"
construed.

"(e) An individual shall be deemed unemployed in any week during which no earnings are payable to him, or in any week of less than full-time work if the earnings payable to him with respect to such week are less than his weekly benefit amount."

"Earnings" defined.

Substitute the following subsection (f) for section 1 (f):

"(f) 'Earnings' means all remuneration payable for personal services, including wages, commissions, and bonuses and the cash value

of all remuneration payable in any medium other than cash whether received from employment, self-employment, or any other work. Gratuities received by an individual in the course of his work shall be treated as earnings. The reasonable cash value of any remuneration payable in any medium other than cash, and a reasonable amount of gratuities shall be estimated and determined in accordance with the regulations prescribed by the Board."

In section 1 (g), immediately following the words "sixteen years of age", insert the words "or a child who is unable to work because of physical disability".

In section 1 (n), line 2, after the word "District", insert the words "or elsewhere", and strike out the remainder of the sentence.

Immediately following section 1 (n) add the following new section 1 (o):

"(o) 'Base period' means the first four out of the last five completed calendar quarters immediately preceding the first day of the individual's benefit year."

In paragraph 3 of section 3 (a) strike out the following words: "and 1940".

Immediately following section 3 (a) add the following section 3 (b):

"(b) Every employer who employs one or more individuals in any employment shall, beginning with the month of January 1940, pay 2.7 per centum of the total wages paid with respect to such employment."

Strike out paragraph 4 of section 3 (a).

In section 3 (b) strike out the letter "(b)" and insert in lieu thereof the letter "(c)".

In section 3 (b), line 2, strike out the words "calendar year 1941" and substitute in lieu thereof "second six months of the calendar year 1942".

In section 3 (b), line 14, substitute the word "paid" for the word "payable".

In section 3 (b), lines 8 and 13, change the figure "3" to "2.7".

Substitute for section 4 (b) the following section 4 (b):

"(b) Contributions shall become due and be payable at such time and in accordance with such regulations as the Board may prescribe. No extension of the time for filing any return or for the payment of the contributions shall be allowed to any employer. All moneys so required to be paid to and collected by the Board shall be subject to audit by the District Auditor."

Immediately following section 4 (e) insert the following new section 4 (f):

"(f) REFUNDS.—If not later than one year after the date on which any contributions or interest thereon became due an employer who has paid such contributions or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made, and the Board shall determine that such contributions or interest or any portion thereof was erroneously collected, the Board shall allow such employer to make an adjustment thereof, without interest, in connection with subsequent contribution payments by him, or if such adjustment cannot be made, the Board shall refund said amount, without interest, from the clearing account or benefit account upon checks issued by the Board or its duly authorized agent. For like cause and within the same period, adjustment or refund may be so made on the Board's own initiative. Should benefits have been paid based upon work records filed by the employer, claiming an adjustment or refund, such benefit should be disregarded

"Dependent relative"; definition extended.

"Employment office" defined.

"Base period" defined.

Employer contributions.
8 D. C. Code, Supp. V, § 313.

Percentage.

8 D. C. Code, Supp. V, § 314.
Payment of contributions.

Audit.

Adjustments and refunds.
Application by employer.

Initiative of Board.
Benefits not deemed erroneously paid.

Proviso.
Adjustments, etc.,
for designated years.
Audit.

8 D. C. Code, Supp.
V, § 318.
Benefits payable
from District unem-
ployment fund.

Weekly benefit
amount.

for purposes of figuring such adjustment or refund, and any such benefit payments already having been made at the time of the refund, based upon records filed with this Board by such employer, shall to that extent be allowed and shall not be deemed to have been paid erroneously: *Provided*, That applications with respect to adjustments or refunds for the years 1936, 1937, 1938, and 1939 may be made within one year from the effective date of this title. All refunds paid pursuant to this subsection shall be subject to a prior audit by the District Auditor."

Substitute for section 8 the following new section 8:

"SEC. 8. (a) On and after January 1, 1938, benefits shall become payable from the benefit account of the District unemployment fund. All benefits shall be paid through employment offices, in accordance with such regulations as the Board may prescribe.

"(b) An individual's weekly benefit amount shall be the amount appearing in column B in the table set forth in this subsection on the line on which in Column A of such table appears the total wages for employment paid to such individual by employers during that quarter of his base period in which such wages were the highest.

"UNEMPLOYMENT BENEFIT TABLE

"COLUMN A Wages paid in highest quarter of base period	COLUMN B Weekly bene- fit amount	COLUMN C Qualifying amount
\$37.50 to \$138.00	\$6	\$150
\$138.01 to \$161.00	7	175
\$161.01 to \$184.00	8	200
\$184.01 to \$207.00	9	225
\$207.01 to \$230.00	10	250
\$230.01 to \$253.00	11	250
\$253.01 to \$276.00	12	250
\$276.01 to \$299.00	13	250
\$299.01 to \$322.00	14	250
\$322.01 to \$345.00	15	250
\$345.01 to \$368.00	16	250
\$368.01 to \$391.00	17	250
\$391.01 and over	18	250

Earnings excluded
from weekly benefit.

"Earnings" defined.

Limitation on total
amount of benefits for
year.

Dependent's allow-
ance; limitation.

"(c) Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less the earnings (if any) payable to him with respect to such week. For the purpose of this subsection, the term 'earnings' shall include only that part of the remuneration payable to him for such week which is in excess of 40 per centum of his weekly benefit amount for any week. Such benefit, if not a multiple of \$1, shall be computed to the next higher multiple of \$1.

"(d) Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to nineteen times his weekly benefit amount or one-half of the wages for employment paid to such individual by employers during his base period, whichever is the lesser.

"(e) **DEPENDENT'S ALLOWANCE.**—In addition to the benefits payable under subsections (b) and (c) of this section, each individual who is unemployed in any week shall be paid with respect to such week \$1 for each dependent relative, but not more than \$3 shall be paid to an individual as dependent's allowance with respect to any one week of unemployment, nor shall any weekly benefit which includes a dependent's allowance be paid in the amount of more than \$18."

Substitute the following paragraph (2) for paragraph (2) of section 10 (a):

"(2) that he has during his base period been paid wages for employment by employers equal to not less than the amount appearing in column 'C' of the table in section 8 (b), on the line on which in column 'B' his weekly benefit amount appears;"

Substitute the following paragraph (5) for paragraph (5) of section 10 (a):

"(5) that he has been unemployed for a waiting period of not more than two weeks. No week shall be counted as a week of unemployment for the purposes of this subsection—

"(A) unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits: *Provided*, That this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment: *And provided further*, That the week or the two consecutive weeks immediately preceding a benefit year, if part of one uninterrupted period of unemployment which continues into such benefit year, shall be deemed (for the purposes of this subsection only) to be within such benefit year as well as within the preceding benefit year;

"(B) if benefits have been paid with respect thereto; and

"(C) unless the individual was eligible for benefits with respect thereto as provided in sections 10 and 11 of the District of Columbia Unemployment Compensation Act, approved August 28, 1935, as amended by this title, except for the requirements of this paragraph; and".

Substitute the following subsection (a) for section 14 (a):

"SEC. 14. (a) The Board is hereby authorized and directed to administer the provisions of this Act. Subject to the Civil Service Act, the Board is further authorized to employ such officers, examiners, accountants, attorneys, experts, agents, and other persons, and to make such expenditures, as may be necessary to administer this Act, and to authorize any such person to do any act or acts which could lawfully be done by the Board. The Civil Service Commission is hereby authorized and directed to confer a competitive classified civil-service status upon those employees performing services for the Board upon the effective date of this title: *Provided*, That (1) such employees are certified by the Board as having rendered satisfactory service for not less than six months; (2) that they qualify in such appropriate noncompetitive examination as may be prescribed by the Civil Service Commission: *Provided, however*, That all employees certified by the Board in accordance with condition (1) hereof shall automatically be eligible to take such noncompetitive examination; (3) that they are citizens of the United States; and (4) that they are not disqualified by any provision of section 3 of civil-service rule V. The Board may, in its discretion, require bond from any of its employees engaged in carrying out the provisions of this Act."

8 D. C. Code, Supp. V, § 320.

Eligibility for benefits.
Requirements.

8 D. C. Code, Supp. V, § 324 (a).
Administration of Act.
Employment of personnel.

Civil-service status conferred upon Board employees.

Prorisos.
Certification by Board.
Noncompetitive examination.

Eligibility, etc.

Bonding of employees.

TRANSITION PROVISIONS

SEC. 2. (a) As used in this section unless the context clearly requires otherwise—

(1) "old law" means the unemployment-compensation law prior to its amendment by this title;

(2) "new law" means the unemployment-compensation law as amended by this title;

(3) "effective date" means the date upon which the new law becomes effective; and

Definitions.

- (4) "continuous period of compensable unemployment" means a period of unemployment beginning prior to and continuing up to and after the effective date in the case of an individual who, prior to the effective date, has filed a claim for benefits for a week or weeks of unemployment in such period: *Provided*, That the individual has satisfied the requirements of paragraph 2 of subsection (a) of section 10 of the old law and has not exhausted his rights to benefits pursuant to subsection (b) of section 8 of the old law prior to the effective date.
- 8 D. C. Code, Supp. V, § 320 (a) (2).
8 D. C. Code, Supp. V, § 318 (b).
Applicability, etc., of new law.
- (b) Except as otherwise specifically provided in subsection (c) of this section, the new law shall be exclusively applicable with respect to any individual on and after the effective date. No provision of the old law shall be construed to limit or extend the rights of any individual as fixed by the new law, after the new law becomes exclusively applicable with respect to such individual as provided in this section.
- Applicability of old law provisions.
8 D. C. Code, Supp. V, §§ 311, 318, 320.
- (c) With respect to any individual who is unemployed during a continuous period of compensable unemployment (as defined in paragraph 4 of subsection (a) of this section) sections 1 (d), 8 (a) (insofar as it relates to the determination of the weekly benefit rate for total unemployment), 8 (b), 8 (c), 8 (d), and 10 (a) (2) of the old law shall be exclusively applicable until the expiration of such continuous period of compensable unemployment.
- Determination of employer's excess contributions.
- (d) Upon application by an employer, filed pursuant to suitable regulations by the Board, the Board shall determine the extent to which the employer's contributions paid for the first six months of the calendar year 1940 were in excess of his contributions due for said period under the new law and shall make an adjustment for that amount, without interest, solely in connection with subsequent contributions by him.
- Adjustment.

EFFECTIVE DATE

Effective date.

SEC. 3. This title shall take effect as of 12:01 antemeridian, July 1, 1940.

TITLE II

AMENDMENT—DISTRICT OF COLUMBIA REVENUE ACT OF 1939

District of Columbia Revenue Act of 1939, amendment.
53 Stat. 1089.
20 D. C. Code, Supp. V, § 980a (d).
Exemptions from income tax.

Section 2 (d) of the Act entitled "An Act to provide revenue for the District of Columbia, and for other purposes", approved July 26, 1939, is amended to read as follows:

"(d) EXEMPTIONS FROM TAX.—There shall be exempt from taxation under this title the following organizations: Corporations, including any community chest, fund, foundation, cemetery association, teachers' retirement fund association, church, or club, organized and operated exclusively for religious, charitable, scientific, literary, educational, or social purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; and labor organizations, trade associations, boards of trade, chambers of commerce, citizens' associations, or organizations, not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual, farmers' associations organized and operated on a cooperative basis exempt from income tax under section 101 (12) and (13) of the Internal Revenue Code; banks, insurance companies, building and loan associations, and companies, incorporated or otherwise, which guarantee the fidelity of any individual or individuals, such as bonding companies, all of which

Farmers' associations.

53 Stat. 33, 34.
26 U. S. C., Supp. V, § 101 (12) and (13).

pay taxes upon gross premiums or earnings under existing laws of the District of Columbia; voluntary employees' beneficiary associations providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if (1) no part of their net earnings inures (other than such payments) to the benefit of any private shareholder or individual, and (2) 85 per centum or more of the income consists of amounts collected from members for the sole purpose of making such payments and meeting expenses; and corporations organized under Act of Congress, if such corporations are instrumentalities of the United States."

Approved, July 2, 1940.

Federal instrumentalities.

[CHAPTER 525]

AN ACT

To amend and clarify section 6, subsection 2, of the Act approved June 1, 1938, known as "Juvenile Court Act of the District of Columbia", and for other purposes.

July 2, 1940
[H. R. 9804]
[Public, No. 720]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of continuing and confirming jurisdiction heretofore conferred upon the juvenile court of the District of Columbia, section 6, subsection 2, of the Act approved June 1, 1938 (Public, Numbered 571, Seventy-fifth Congress, third session; 52 Stat. 596, ch. 309; D. C. Code, 1929 edition, Supp. V, title 18, sec. 256), entitled the "Juvenile Court Act of the District of Columbia", be, and the same is hereby, amended to read as follows:

Juvenile Court Act of the District of Columbia, amendment.

"2. ADULTS.—The court shall have original and exclusive jurisdiction to determine cases of adults charged with willfully contributing to, encouraging, or tending to cause by any act or omission any condition which would bring a child within the provisions of this Act. The court shall have concurrent jurisdiction with the District Court of the United States for the District of Columbia in all cases arising under the Act entitled "An Act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances", approved March 23, 1906 (D. C. Code, title 6, secs. 270-273). Nothing herein shall be construed as having the effect of limiting the jurisdiction of said court in matters arising under the Act entitled "An Act to provide for compulsory school attendance", approved February 4, 1925 (43 Stat. 806, ch. 140); or under the Act entitled "An Act to regulate the employment of minors", approved May 29, 1928 (45 Stat. 998, ch. 908)."

Jurisdiction. Adults. Contributing to delinquency, etc., of children.

Concurrent jurisdiction in abandonment, etc., cases.

34 Stat. 86.

Jurisdiction not deemed limited in certain matters.

7 D. C. Code, §§ 91-100, 141-143.

7 D. C. Code, §§ 111-135, 143, 136, 137.

Approved, July 2, 1940.

[CHAPTER 526]

AN ACT

Extending the jurisdiction of the Civil Aeronautics Authority over certain air-mail services, and for other purposes.

July 2, 1940
[H. R. 9899]
[Public, No. 721]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (1) of section 405 of the Civil Aeronautics Act of 1938 is amended to read as follows:

"(1) Nothing contained in this Act shall be construed to repeal in whole or in part the provisions of section 6 of the Act entitled 'An Act to provide for experimental air-mail service, to further develop safety, efficiency, economy, and for other purposes', approved April

Civil Aeronautics Act of 1938, amendment. 52 Stat. 997. 39 U. S. C., Supp. V, § 471. Experimental air-mail service. 52 Stat. 219. 39 U. S. C., Supp. V, § 470.

Transportation of mail; when not deemed "air transportation."

52 Stat. 990, 1005.
49 U. S. C., Supp. V, §§ 481 (d), 496 (b).

Repeal.
52 Stat. 218.
39 U. S. C., Supp. V, §§ 471, 472.

15, 1938. The transportation of mail under contracts entered into under such section shall not, except for sections 401 (l) and 416 (b), be deemed to be 'air transportation' as used in this Act, and the rates of compensation for such transportation of mail shall not be fixed under this Act."

SEC. 2. Sections 1 and 2 of the Act entitled "An Act to provide for experimental air-mail service, to further develop safety, efficiency, economy, and for other purposes", approved April 15, 1938, are hereby repealed.

Approved, July 2, 1940.

[CHAPTER 527]

AN ACT

To provide for the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used herein—

"Person" shall include one or more individuals, firms or unincorporated associations, or corporations.

"Director" shall mean the director of vehicles and traffic of the District of Columbia, including assistants or agents duly designated by the Commissioners.

"Recorder" shall mean the recorder of deeds of the District of Columbia, including assistants or agents duly designated by the recorder.

"Certificate" shall mean a certificate of title for a motor vehicle or trailer issued by the director.

"Owner" shall mean the person to whom such certificate is issued by the director.

"Lien" shall mean any right or interest in or to, or lien or encumbrance upon any motor vehicle or trailer, or the equipment or accessories affixed or sold to be affixed thereto, in favor of a person other than the owner, except (1) a sale of such motor vehicle or trailer accompanied by delivery of possession and on execution of the assignment on the back of the certificate covering it, or (2) any possessory lien now or hereafter provided by law or any lien acquired in any judicial proceeding.

"Instrument" shall mean any written instrument signed and acknowledged by an owner creating such lien.

"Lien information" shall mean the amount, kind, date of lien, name and address of holder, and recorder's record number, if any.

SEC. 2. During the time a certificate is outstanding for any motor vehicle or trailer, no lien against such motor vehicle or trailer or any equipment or accessories affixed or sold to be affixed thereto shall be valid except as between the parties and as to other persons having actual notice, unless and until entered on such certificate as hereinafter set forth: *Provided*, That the foregoing shall not apply to a lien or liens in existence at the effective date of this Act against a motor vehicle or trailer for which a certificate is outstanding at the effective date of this Act, or any equipment or accessories affixed thereto. The provisions of sections 546 and 547, subchapter 3, chapter XVI, of the Code of Laws of the District of Columbia shall not apply to liens recorded as herein provided and a lien shall have no greater validity or effect during the time a certificate is outstanding for the motor vehicle or trailer covered thereby by reason of the fact that the lien has been filed in accordance with said sections or, in the case of a conditional sales contract, that the purchase price of the property does not exceed \$100.

Unentered liens not valid; exceptions.

Proviso.
Existing liens not affected.

31 Stat. 1275.
25 D. C. Code,
§§ 177-179.

District of Columbia.
Liens against motor vehicles and trailers.
Definitions.

SEC. 3. In the absence of agreement of all parties affected and in the absence of circumstances estopping a lien holder from insisting upon such rights, lien shall be entered on the certificate by the recorder and shall have priority among themselves in the following order:

Priority of liens.

(a) If the motor vehicle or trailer has been previously titled or registered in this or some other jurisdiction, unsatisfied liens shown by the previous certificate, title, registry, or proof of ownership shall be entered in the order in which they appear on such previous certificate, title, registry, or proof of ownership.

(b) Liens for which instruments are presented with the application for the certificate.

(c) Liens, where the instruments are presented for recording, together with the certificate, irrespective of the fact that one or more instruments not entered on the certificate may have been previously presented for recording without such certificate.

(d) As between two or more instruments presented for recording without the certificate, the one first presented for recording shall have priority.

SEC. 4. An instrument shall be in writing; shall show the name and address of the holder, the trade name and engine number of the motor vehicle or the trade name and serial number, if any, of the trailer; shall be signed by the parties and acknowledged by the owner in the manner provided by law for deeds of real estate. A lien shall not be entered upon a certificate unless (1) the motor vehicle or trailer has been previously titled or registered in this or some other jurisdiction and the lien is shown upon such previous certificate, title, registry, or proof of ownership; or (2) such an instrument is presented for recording pursuant to the provisions of this Act; or (3) the lien is shown on the application for a certificate, and was created prior to the effective date of this Act or was created while the motor vehicle or trailer was titled or registered in some other jurisdiction.

Form and contents of instrument.

Entering of liens.

SEC. 5. The Commissioners of the District of Columbia shall assign to the recorder space in the office of the director, and the recorder shall furnish and maintain the necessary furniture, equipment, cards hereinafter mentioned, and other supplies and the required personnel for the purpose of carrying out the provisions of this Act.

Office space, etc., for recorder.

SEC. 6. Applications for certificates, in addition to all other matters which may be required by law, shall show under oath whether or not there are any liens against the motor vehicle or trailer or any equipment or accessories affixed thereto and if so, the lien information in the order of its priority, and shall be accompanied by instruments or any other papers necessary to entitle liens to be entered on the certificate. Upon receipt by the recorder from the director of an application for a certificate and accompanying documents, if any, or on the application for a duplicate, the recorder shall compare the statements in the application as to liens with his records and the documents and instruments accompanying the application and if such statements are incorrect or incomplete or if any of the liens shown by the application are not entitled to be entered on the certificate in the same order as they appear on the application the recorder shall return all of said papers to the director and advise him of the reasons therefor. If the statements as to liens are full, true, and complete and all liens shown by the application are entitled to be entered on the certificate in the same order as they appear on the application, the recorder shall stamp on the application the words, "Statements as to liens in accordance with records," a facsimile of his signature, and the date, shall accept all instruments accompanying the application for recording and shall stamp his record number opposite the statement of each

Applications for certificates to contain lien information.

Verification of statements concerning liens.

Incorrect, etc., statements.

Correct, etc., statements.

Retention of instru-
ments.

Collection of fees,
etc.

Lien information
cards.

Notations.

Delivery of certifi-
cate.

Entry of liens on
issued certificates.

Delivery.

Assignment of lien.

Entry on certificate.

Numbering of as-
signment, etc.

lien on the application for certificate. The recorder shall retain the instruments for his permanent file and collect the fees and charges thereon and return the application and all other papers to the director, who shall thereupon deliver same to a representative of the collector of taxes of the District of Columbia, stationed in the office of the director. Said representative shall then collect from the applicant or his representative all fees and charges in connection with the issuance of the certificate and shall return said application and papers to the director. The director shall thereupon issue the certificate and where liens are shown on such an application shall stamp upon each of two cards, the size of which shall be fixed by the director, the information stamped by the director on the face of such certificate and shall deliver such certificate, its application, cards, if any, and the identification-tag application to the recorder. If the application for title shows no liens, the recorder shall stamp on the certificate and on the reverse side of that portion of the application for identification tags known as "Collector's Coupon" the words "No Liens Shown By Records" and the date. If the application shows liens, the recorder shall stamp aforesaid "Collector's Coupon" with the words "Lien Recorded" and shall enter the lien information on certificate and on each of the said cards. The aforesaid stamping and entering shall be made on the face of the certificate in the space provided for the use of the recorder. The recorder shall then deliver both applications and the papers attached and the certificate to the director, who shall retain the application and the papers attached and shall deliver or mail the certificate to the record holder of the first lien shown thereon or his representative; or if there are no liens, then to the owner or his representative.

SEC. 7. When it is desired to have a lien entered on a certificate theretofore issued, the instrument and the certificate shall be presented to the recorder in the office of the director and upon the payment of the necessary fees to the representative of the recorder of deeds of the District of Columbia in the office of the director the recorder shall accept the instruments for recording and unless he has cards covering said motor vehicle or trailer the director shall stamp cards in the manner set forth in section 6. The recorder shall enter the lien information on the certificate in the space hereinbefore mentioned and on each of said cards and shall deliver or mail the certificate to the record holder of the first unsatisfied lien shown thereon or his representative.

SEC. 8. The rights of the holder of an unsatisfied lien shown on a certificate may be assigned by an assignment in writing, which shall show the name and address of the assignee, the trade name and engine number of the motor vehicle, or the trade name and serial number, if any, of the trailer, and the recorder's record number of the instrument, or, if none, a brief description sufficient to identify the lien shall be signed by the holder of the lien and acknowledged by him in the manner provided by law for deeds of real estate. Upon presentation of an assignment and a certificate and the payment of the prescribed fee to the representative of the recorder of deeds of the District of Columbia in the office of the director, the recorder shall enter upon the face of the certificate and upon each of the cards hereinbefore described the recorder's record number of the lien which is being assigned, or, if no such instrument is on file, a brief description sufficient to identify the lien, the date of the assignment and the words, "Assigned to", and the name and address of the assignee, and the date. The assignment shall be attached to the instrument if the instrument has been filed with the recorder, and, if not, the assignment shall be given a recorder's record number and filed by the

recorder and such number shall be entered on the certificate and on each of the cards opposite the entry of the information relative to the assignment. The certificate shall be delivered to the record holder of the first unsatisfied lien shown thereon, or his representative.

SEC. 9. Whenever it is desired to enter a lien or an assignment upon a certificate and such certificate is not available, upon delivery to the recorder of the instrument or assignment the recorder shall demand that the person possessing the certificate surrender it for the purpose of entering thereon the lien or the assignment and upon surrender of the certificate the recorder shall perform the same acts as in cases where the certificate was presented with the instrument. This section shall not be deemed to affect the priority given under section 3 (c) to a lien where the instrument is presented together with the certificate.

SEC. 10. The record holder of the first unsatisfied lien shown upon the certificate shall be entitled to the possession of the certificate and upon satisfaction of his lien he shall, within seventy-two hours, place upon the face of the certificate the recorder's record number of the lien, or, if no such instrument is on file, a brief description sufficient to identify the lien, and in either case the word "satisfied", or its equivalent, and his signature, swear to it before a notary public, and forward or deliver the certificate to the holder of the lien next in priority, or, if none, to the owner or to the person designated in writing by the owner. Upon the satisfaction of any lien other than the first unsatisfied lien shown on the certificate, the record holder of the lien so satisfied shall, within seventy-two hours, make similar entries upon the face of the certificate, and it shall be the duty of the person in possession of the certificate, upon demand, to permit such holder to make said entries. Any person in possession of a certificate shall, upon demand of the recorder, surrender it to the recorder within seventy-two hours for the purpose of entering the lien or assignment thereon.

SEC. 11. The recorder, upon receipt of a certificate whereon a lien is marked "Satisfied" as set forth in section 10, shall enter on the face of the certificate and on each of the cards described in section 6, and on the instrument, if any, filed in the recorder's office as herein-after provided, his said record number, or, if no such instrument is on file, a brief description sufficient to identify the lien, and in either case the word "released", a facsimile of his signature and the date. Where for any reason a lien holder upon satisfaction of his lien has failed to mark the certificate as herein provided and the lien holder cannot be located, or where the certificate after being so marked has been lost or destroyed and a duplicate certificate issued, the recorder upon receipt of evidence satisfactory to him that the lien has been satisfied shall release it upon the certificate or duplicate certificate, the aforesaid cards and instrument, if any, as above set forth.

SEC. 12. The fee for recording liens or assignments of liens upon a certificate shall not exceed the sum of 50 cents for each lien on each automobile contained in the instrument. There shall be no fee for releasing.

SEC. 13. The recorder shall maintain, in the space assigned to him in the office of the director, files wherein he shall file one set of the cards hereinbefore described alphabetically under the name of owner and the other under the trade name and engine number if it covers a motor vehicle, or the trade name and serial number, if any, if it covers a trailer. The recorder shall file the instruments at his main office.

SEC. 14. Any person intentionally making a false statement with respect to liens in an application for a certificate, or willfully violat-

Delivery.

Surrender of certificate for lien, etc., notations.

Possession of certificate by first lien holder.

Satisfaction of lien.

Entries.

Surrender of certificate.

Recorder's notation of satisfied lien.

Fees.

Maintenance of office files.

False statements, etc.

Punishment.

Prosecutions by corporation counsel.

Appropriation authorized.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.
Effective date.

Existing liens not affected.

ing any of the provisions of this Act, shall upon conviction be punished by a fine of not more than \$500 or be imprisoned for not more than one year, or both. Prosecutions for violations of this Act shall be by the corporation counsel of the District of Columbia or any of his assistants, in the name of the District of Columbia.

SEC. 15. Appropriation is hereby authorized to be made to carry out the provisions of this Act, and the Commissioners of the District of Columbia are authorized to include in their annual estimates provision for all the expenses of the office of the director and recorder incident to such purposes, and for personnel subject to the limitations of the Classification Act of 1923, as amended.

SEC. 16. The provisions of this Act shall become effective January 1, 1941. Nothing herein contained shall affect existing liens on motor vehicles and trailers, or any equipment or accessories affixed thereto recorded prior to the effective date of this Act.

Approved, July 2, 1940.

[CHAPTER 528]

AN ACT

July 2, 1940
[H. R. 9920]
[Public, No. 723]

Authorizing the county of Lawrence, Ohio, to acquire and operate as a unit certain privately owned toll bridges across the Ohio River adjoining such county.

Ohio River.
Acquisition of toll
bridges by Lawrence
County, Ohio.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the county of Lawrence, Ohio, or any duly organized bridge commission of such county, is authorized to acquire all right, title, and interest in any privately owned highway toll bridge across the Ohio River at any point within or adjoining such county, including the approaches thereto, and all interest in real property necessary therefor, by purchase, or by condemnation in accordance with the law of the State of Ohio governing the acquisition of privately owned bridges by public authority, and to maintain and operate said bridges in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in that Act.

34 Stat. 84.
33 U. S. C. §§ 491-498.

Jurisdiction of condemnation proceedings.

SEC. 2. Jurisdiction of all condemnation proceedings under this Act is hereby conferred upon the United States District Court for the Southern District of Ohio, and for such purpose the process of such court may be served outside of the State or district in which such court is located. Such proceedings shall follow, as near as may be, the law of the State of Ohio governing procedure in such condemnation cases. Copies of any final judgment or decree of such court in any such condemnation proceeding relating to land located outside the district in which such court is located shall be filed with the clerk of the court of the district in which such land is located.

Filing of copies of decrees, etc.

Operation as toll bridge, etc.

Application of tolls to operation, sinking fund, etc.

SEC. 3. Any bridge acquired pursuant to this Act shall be operated as a toll bridge and shall be grouped with any other bridge so acquired for financing purposes. The rate of toll of any such bridge shall be so adjusted as to provide, together with the tolls from all other bridges acquired pursuant to this Act, (a) a sinking fund sufficient to amortize as soon as possible under reasonable charges but within a period not exceeding twenty-five years from the date of the issuance of bridge revenue bonds to finance the acquisition of bridges under this Act, the principal, interest, financing cost, and redemption premium, if any, of all such bonds, and (b) a fund sufficient to pay the reasonable cost of maintaining, operating, and repairing such bridges under economical management during such period. After the fund provided in clause (a) shall have been so provided, such

Maintenance as free bridge after amortizing costs, etc.

bridge shall thereafter be maintained and operated free of toll. An accurate record of the amount of bonds issued in the acquisition of such bridge, the financing costs thereof, the interest and redemption premiums payable thereon, the actual expenditures for maintaining, repairing, and operating such bridges, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, July 2, 1940.

Record of expenditures and receipts.

Right reserved.

[CHAPTER 529]

AN ACT

Declaring a forfeiture of certain land heretofore granted by the United States to the board of commissioners of the Orleans Levee District, in the city of New Orleans, State of Louisiana, for levee and street purposes.

July 2, 1940

[H. R. 9927]

[Public, No. 724]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby forfeited to and revested in the United States of America title to that certain strip of land situated in the city of New Orleans, parish of Orleans, State of Louisiana, measuring two hundred and ten and two one-hundredths feet in length and seven and thirty-seven one-hundredths feet in width, more particularly described in the resolution adopted February 23, 1940, by the board of commissioners of the Orleans Levee District, and being part of the land granted by the Act of Congress approved April 22, 1932 (47 Stat. 133, ch. 127), to the board of commissioners of the Orleans Levee District of New Orleans, Louisiana. The control and custody of the land hereby forfeited is revested in the Attorney General.

New Orleans, La.
Forfeiture to U. S. of
certain land.

Control, etc.

SEC. 2. The grant by the aforesaid Act of Congress approved April 22, 1932, and the restrictions and conditions imposed therein shall remain in full force and effect as to that portion of the land the title to which is not declared forfeited by this Act and the Attorney General is hereby authorized to execute and deliver to the Board of Commissioners of the Orleans Levee District a proper quitclaim deed of that portion of the land not forfeited.

Restrictions in force
as to unforfeited land.

Approved, July 2, 1940.

[CHAPTER 530]

AN ACT

To amend section 13 (d) of the Railroad Unemployment Insurance Act.

July 2, 1940

[H. R. 10009]

[Public, No. 725]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (d) of section 13 of the Railroad Unemployment Insurance Act, as amended, is hereby amended by striking the period at the end of the last sentence of said subsection, inserting a colon, and adding the following: "*Provided, however,* That if the Social Security Board finds with respect to any State that such State (1) is unable to avail itself of such conditions solely by reason of prohibitions contained in the constitution of such State, as determined by a decision of the highest court of such State declaring invalid in whole or in part the action of the legislature of the State purporting to provide for transfers from the State's account in the Unemployment Trust Fund to the railroad unemployment insurance account, and (2) for similar reasons is unable to use amounts withdrawn from its account in the Unemployment Trust Fund for the payment of expenses incurred in the administration of its State unemployment compensation law,

Railroad Unemployment Insurance Act, amendment.
52 Stat. 1111.
45 U. S. C., Supp. V,
§ 363 (c).

Proriso.
Findings by Social Security Board.
State unable to effect designated transfers of funds.

State unable to use certain funds for administrative expenses.

Withholding certification of amounts for payment to State, etc.; data.
49 Stat. 626.
42 U. S. C. § 502.

Condition.

Determination of amount withheld.

the Social Security Board shall not begin to withhold from certification to the Secretary of the Treasury for payment to such State the amounts determined by it pursuant to section 302 of the Social Security Act and to certify to the Secretary of the Treasury for payment into the railroad unemployment insurance account the amount so withheld from such State until July 1, 1942, and then only if the Social Security Board finds that such State had not prior thereto effectively authorized and directed the Secretary of the Treasury to transfer from such State's account in the Unemployment Trust Fund to the railroad unemployment insurance account amounts equal to such State's 'preliminary amount' and 'liquidating amount' less such parts thereof, if any, as the State may have, within the periods set forth in the provisos contained in the first two paragraphs of this subsection, effectively authorized and directed the Secretary of the Treasury so to transfer, plus interest on such difference, if any, with respect to each amount at 2½ per centum per annum from the date the State's 'preliminary amount' or 'liquidating amount', as the case may be, is determined by the Social Security Board; and with respect to any such State the amount withheld shall equal the State's 'preliminary amount' and 'liquidating amount' less such parts thereof, if any, as the State may have, within the periods set forth in the provisos contained in the first two paragraphs of this subsection effectively authorized and directed the Secretary of the Treasury to transfer, plus interest from July 1, 1939, at 2½ per centum per annum on so much of the 'preliminary amount' and 'liquidating amount', as the case may be, as has not been so transferred or has not been used as the measure for withholding."

Approved, July 2, 1940.

[CHAPTER 548]

AN ACT

July 8, 1940

[S. 2915]

[Public, No. 726]

Relating to rentals in certain oil and gas leases issued under authority of the Act of February 25, 1920, as amended, and for other purposes.

Waiver of rentals in certain oil and gas leases.

49 Stat. 676.
30 U. S. C., Supp. V,
§ 226.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, in the case of lands not within any known geologic structure of a productive oil or gas field, shall waive the rentals stipulated in oil and gas leases issued pursuant to section 17 of the Act of February 25, 1920, as amended by the Act of August 21, 1935 (49 Stat. 674), for the second and third lease years, unless a valuable deposit of oil or gas be sooner discovered.

Approved, July 8, 1940.

[CHAPTER 549]

AN ACT

July 8, 1940

[S. 3780]

[Public, No. 727]

Authorizing Alabama Bridge Commission (an agency of the State of Alabama) to construct, maintain, and operate a toll bridge and causeway between Dauphin Island and the mainland at or near Cedar Point, within the State of Alabama.

Construction of bridge between Dauphin Island and Cedar Point, Ala.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Alabama Bridge Commission (an agency of the State of Alabama), its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a toll bridge and causeway and approaches thereto at a point suitable to the interests of navigation, between Dauphin Island and the mainland at or near Cedar Point, within the State of Alabama, in accordance with the provisions of an Act

entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, subject to the exemptions provided in section 1 of the Act of August 21, 1935 (49 Stat. 670): *Provided*, That when the period during which the Alabama Bridge Commission is authorized to operate and maintain such bridge for toll, pursuant to Act Numbered 580, General and Local Laws of Alabama, 1939, approved September 22, 1939, has been completed the bridge shall be operated free of toll.

SEC. 2. Public Law Numbered 232, Seventy-sixth Congress, approved July 26, 1939, is hereby repealed.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, July 8, 1940.

34 Stat. 84.
33 U. S. C. §§ 491-498.
33 U. S. C., Supp. V, § 503.
Proviso.
Operation free of toll.

Repeal.
53 Stat. 1124.

Right reserved.

[CHAPTER 550]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Missouri.

July 8, 1940
[S. 3807]
[Public, No. 728]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Missouri River, at or near Arrow Rock, Missouri, authorized to be built by the Saint Louis-Kansas City Short Line Railroad Company by the Act of Congress approved March 2, 1929, heretofore extended by Acts of Congress approved April 15, 1932, August 30, 1935, and May 24, 1937, are hereby further extended one and three years, respectively, from the date of approval thereof.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, July 8, 1940.

Missouri River.
Time extended for bridging, at Arrow Rock, Mo.

45 Stat. 1511; 47 Stat. 82; 49 Stat. 1070; 50 Stat. 201; 53 Stat. 1207.

Right reserved.

[CHAPTER 551]

AN ACT

To defray the cost of returning to the United States the remains, families, and effects of officers and employees dying abroad, and for other purposes.

July 8, 1940
[S. 3899]
[Public, No. 729]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case any civilian officer or employee of the United States dies (1) while in a travel status away from his official station in the United States or (2) while performing official duties in a Territory or possession of the United States or in a foreign country or in transit thereto or therefrom, the head of the department, independent establishment, agency, or federally owned or controlled corporation, hereinafter called department, in the service of which such officer or employee was engaged, is hereby authorized, under regulations to be prescribed by the President and except as otherwise provided by law, to pay from the appropriation available for the activity in which he was engaged—

(a) In case of the death of the officer or employee in such travel status in the United States, or in the case of the death of the officer or employee while performing official duties in a Territory or possession of the United States or in a foreign country or in transit thereto or therefrom, the expenses of preparing and transporting the remains of such officer or employee to his home or official station or such other place as the head of the department concerned shall determine to be the appropriate place of interment.

Civilian officers or employees of U. S. dying abroad, etc.

Transportation of remains to home, etc.

Transportation of dependents and effects to home, etc.

(b) In case of the death of the officer or employee while performing official duties in a Territory or possession of the United States or in a foreign country or in transit thereto or therefrom, the transportation expenses of his dependents, including expenses incurred in packing, crating, drayage, and transportation of household effects and other personal property to his former home or such other place as the head of the department shall determine.

Temporary absence from duty.

SEC. 2. The benefits of section 1 of this Act shall not be denied in any case on the ground that the deceased was temporarily absent from duty when death occurred.

Effective date.

SEC. 3. This Act shall become effective sixty days after its enactment.

Approved, July 8, 1940.

[CHAPTER 552]

AN ACT

July 8, 1940
[S. 3931]
[Public, No. 730]

For the acquisition of Indian lands for the Parker Dam and Reservoir project, and for other purposes.

Parker Dam project.
Acquisition of Indian lands for.
49 Stat. 1039.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in aid of the construction of the Parker Dam project, authorized by the Act of August 30, 1935 (49 Stat. 1028), there is hereby granted to the United States, its successors and assigns, subject to the provisions of this Act, all the right, title, and interest of the Indians in and to the tribal and allotted lands of the Fort Mohave Indian Reservation in Arizona and the Chemehuevi Reservation in California as may be designated by the Secretary of the Interior.

Determination of amount to be paid to Indians.

Payment by Metropolitan Water District of Southern California.

SEC. 2. The Secretary of the Interior shall determine the amount of money to be paid to the Indians as just and equitable compensation for the rights granted under section 1 hereof. Such amount of money shall be paid to the Secretary of the Interior by the Metropolitan Water District of Southern California, a public corporation of the State of California, in accordance with the terms of the contract made and entered into on February 10, 1933, between the United States of America, acting through the Secretary of the Interior, and the Metropolitan Water District of Southern California. In the case of tribal lands, the amount due to the appropriate tribe shall be deposited by the said Secretary in the Treasury of the United States, pursuant to the provisions of the Act of May 17, 1926 (44 Stat. 560), as amended. The amounts due individual allottees, their heirs, or devisees shall be deposited by the said Secretary to the credit of the Superintendent of the Colorado River Indian Agency, or such other officer as shall be designated by the Secretary, for the credit on the books of the said agency to the accounts of the individual Indians concerned.

Deposit of amounts due tribes.

25 U. S. C. § 155.
Deposit of amounts due allottees.

Use of allottee funds.

SEC. 3. Funds deposited to the credit of the allottees, their heirs, or devisees may be used, in the discretion of the Secretary of the Interior, for the acquisition of other lands and improvements now in Indian ownership, or the construction of improvements for the allottees, their heirs, or devisees whose lands and improvements are acquired under the provisions of this Act. Lands so acquired shall be held in the same status as those from which the funds were derived.

Regulations, etc.

SEC. 4. The Secretary of the Interior is hereby authorized to perform any and all acts and to prescribe such regulations as may be deemed appropriate to carry out the provisions of this Act.

Approved, July 8, 1940.

[CHAPTER 553]

AN ACT

To authorize the Secretary of the Interior to lease certain of the public lands to the Metropolitan Water District of Southern California for the extraction of sodium chloride for water-conditioning purposes.

July 8, 1940
[H. R. 6831]
[Public, No. 731]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, pursuant to the provisions of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 (41 Stat. 437), as amended, and notwithstanding any limitations contained therein with respect to the leasing of public mineral lands to municipalities, to lease to the Metropolitan Water District of Southern California public lands containing deposits of sodium solely for the extraction therefrom of sodium chloride for water-conditioning purposes: *Provided*, That nothing in this Act shall be construed to empower the said district to produce sodium chloride or any other valuable deposit in said lands for commercial purposes. The use of such lands may be acquired by the said district either through the filing and issuance of prospecting permits or leases or through the assignment to it by qualified holders of such permits or leases.

Metropolitan Water District of Southern California.
Leasing of public lands to.

30 U. S. C. § 22, etc.;
Supp. V.

Proriso.
Restriction on commercial production of sodium chloride, etc.

SEC. 2. The leases authorized by section 1 shall be granted upon the condition that if such lands or deposits are used for purposes other than as authorized by this Act, or upon the exhaustion of the deposits of sodium chloride in such lands, the permits or leases may be canceled by the Secretary of the Interior.

Cancellation of leases, etc.

Approved, July 8, 1940.

[CHAPTER 554]

AN ACT

To provide for the leasing of restricted allotments of deceased Indians in certain circumstances, and for other purposes.

July 8, 1940
[H. R. 8024]
[Public, No. 732]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That restricted allotments of deceased Indians may be leased, except for oil and gas mining purposes, by the superintendents of the reservation within which the lands are located (1) when the heirs or devisees of such decedents have not been determined and (2) when the heirs or devisees of the decedents have been determined, and such lands are not in use by any of the heirs and the heirs have not been able during a three-months' period to agree upon a lease by reason of the number of the heirs, their absence from the reservation, or for other cause, under such rules and regulations as the Secretary of the Interior may prescribe. The proceeds derived from such leases shall be credited to the estates or other accounts of the individuals entitled thereto in accordance with their respective interests.

Leasing of restricted allotments of deceased Indians; exception.

Conditions.

Crediting of proceeds.

Approved, July 8, 1940.

[CHAPTER 555]

AN ACT

Relating to adoption of minors by Indians.

July 8, 1940
[H. R. 8499]
[Public, No. 733]

Adoption of minors
by Indians.
Recognition in pro-
bate matters.
Conditions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in probate matters under the exclusive jurisdiction of the Secretary of the Interior, no person shall be recognized as an heir of a deceased Indian by virtue of an adoption—

(1) Unless such adoption shall have been—

(a) by a judgment or decree of a State court;

(b) by a judgment or decree of an Indian court;

(c) by a written adoption approved by the superintendent of the agency having jurisdiction over the tribe of which either the adopted child or the adoptive parent is a member, and duly recorded in a book kept by the superintendent for that purpose; or

(d) by an adoption in accordance with a procedure established by the tribal authority, recognized by the Department of the Interior, of the tribe either of the adopted child or the adoptive parent, and duly recorded in a book kept by the tribe for that purpose; or

(2) Unless such adoption shall have been recognized by the Department of the Interior prior to the effective date of this Act or in the distribution of the estate of an Indian who has died prior to that date: *Provided*, That an adoption by Indian custom made prior to the effective date of this Act may be made valid by recordation with the superintendent if both the adopted child and the adoptive parent are still living, if the adoptive parent requests that the adoption be recorded, and if the adopted child is an adult and makes such a request or the superintendent on behalf of a minor child approves of the recordation.

Proviso.
Adoption by Indian
custom.

Nonapplication of
Act.

SEC. 2. This Act shall not apply with respect to the distribution of the estates of Indians of the Five Civilized Tribes or the Osage Tribe in the State of Oklahoma, or with respect to the distribution of estates of Indians who have died prior to the effective date of this Act.

Effective date.

SEC. 3. This Act shall become effective six months after the date of its approval.

Approved, July 8, 1940.

[CHAPTER 565]

AN ACT

To authorize exchanges of lands within the Navajo Indian Reservation, Arizona.

July 10, 1940
[S. 3972]
[Public, No. 734]

Navajo Indian Res-
ervation, Ariz.
Exchange of lands
within.

Issuance of patent.

Proviso.
Sufficiency of title.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to exchange tribal lands within the Navajo Indian Reservation in Arizona for privately owned mineral lands of approximately equal value within the boundary of such reservation. Upon conveyance to the United States in trust for the Navajo Indians of the lands being acquired by the United States, the Secretary of the Interior is authorized to issue a patent in fee covering the lands granted in exchange: *Provided*, That the sufficiency of title to all such lands acquired by the United States shall be approved by the Secretary of the Interior.

Approved, July 10, 1940.

[CHAPTER 566]

AN ACT

To amend the Act entitled "An Act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service", approved February 15, 1893, as amended.

July 10, 1940
[S. 2111]

[Public, No. 735]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth paragraph of section 2 of the Act entitled "An Act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service", approved February 15, 1893, as amended (U. S. C., 1934 edition, title 42, sec. 82), is amended by striking out the words "adjacent thereto".

Consular bills of health not required for certain vessels.

27 Stat. 450.

Approved, July 10, 1940.

[CHAPTER 567]

AN ACT

To amend the law limiting the operation of statutes of limitations in certain cases.

July 10, 1940
[H. R. 4828]

[Public, No. 736]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act to limit the operation of statutes of limitations in certain cases", approved May 10, 1934 (48 Stat. 772; U. S. C., title 18, sec. 587), be, and it is hereby, amended to read as follows:

Statutes of limitations.

"That whenever an indictment is found defective or insufficient for any cause, after the period prescribed by the applicable statute of limitations has expired, a new indictment may be returned not later than the end of the next succeeding regular term of such court, following the term at which such indictment was found defective or insufficient, during which a grand jury thereof shall be in session."

Defective indictment.
New indictment, time limitation.

Approved, July 10, 1940.

[CHAPTER 568]

AN ACT

To amend the District of Columbia Revenue Act of 1937, as amended.

July 10, 1940
[H. R. 10106]

[Public, No. 737]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Article III of title V of the District of Columbia Revenue Act of 1937, as amended by title V of the District of Columbia Revenue Act of 1939, is amended by adding after section 14 thereof the following new section:

District of Columbia Revenue Act of 1937, amendment.
53 Stat. 1116.
20 D. C. Code, Supp. V, §§ 9690-969aa.

"SEC. 15. Credits, securities, and other intangible personal property within the District not employed in carrying on any business therein by the owner shall be deemed to be located at the domicile of the owner for purposes of taxation under this title, and, if held in trust, shall not be deemed to be located in the District for purposes of taxation under this title solely because of the trustee being domiciled in the District: *Provided further,* That this section shall not apply to property owned by alien decedents, and that nothing herein contained shall affect the taxation by the District of any property owned by alien decedents which, at the time of the death of such decedents, shall be under the jurisdiction of the District or over which the District has control."

Location of certain intangible personal property.

If held in trust.

Proviso.
Property owned by alien decedents.

Approved, July 10, 1940.

[CHAPTER 577]

JOINT RESOLUTION

July 11, 1940
[S. J. Res. 283]
[Pub. Res., No. 92]

Authorizing Colonel Donald H. Connolly to hold the office of Administrator of Civil Aeronautics in the Department of Commerce.

Administrator of
Civil Aeronautics.
Col. Donald H.
Connolly authorized
to hold office of.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 1222 of the Revised Statutes (U. S. C., title 10, sec. 576), Colonel Donald H. Connolly, being a commissioned officer on the active list, Corps of Engineers, United States Army, is authorized to hold the office of Administrator of Civil Aeronautics in the Department of Commerce without loss of or prejudice to his status as a commissioned officer on the active list of the United States Army and if appointed to such civil office he shall receive in addition to his pay and allowances as such commissioned officer an amount equal to the difference between such pay and allowances as such commissioned officer and the salary prescribed by law for such civil office.

Approved, July 11, 1940.

[CHAPTER 579]

JOINT RESOLUTION

July 11, 1940
[S. J. Res. 222]
[Pub. Res., No. 93]

Granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia as signatory bodies, to enter into a compact for the creation of a Potomac Valley Conservancy District and the establishment of the Interstate Commission on the Potomac River basin.

Preamble.

50 Stat. 884.

Whereas the State of Maryland, by chapter 320 of its acts of 1939, approved May 3, 1939, and the Commonwealth of Virginia, by chapter 324 of its laws of 1940, approved March 29, 1940, and the Board of Commissioners of the District of Columbia acting pursuant to Public Resolution Numbered 74 of the Seventy-fifth Congress, chapter 891, of the first session, approved August 31, 1937, by resolution adopted April 16, 1940, have approved and desire to enter into a compact to create a Potomac Valley Conservancy District and to establish an Interstate Commission on the Potomac River Basin, to which compact by its terms the State of West Virginia and the Commonwealth of Pennsylvania are empowered to enter, and which compact by its terms becomes effective when ratified by a majority of the five signatory bodies thereto, and approved by the Congress of the United States, and which compact is as follows:

COMPACT

Compact for crea-
tion of Potomac Val-
ley Conservancy Dis-
trict and Interstate
Commission on Po-
tomac River Basin.

Whereas it is recognized that abatement of existing pollution and the control of future pollution of interstate streams can best be promoted through a joint agency representing the several states located wholly or in part within the area drained by any such interstate stream; and

Whereas the Congress of the United States has given its consent to the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and the District of Columbia to enter into a compact providing for the creation of a conservancy district to consist of the drainage basin of the Potomac River and the main and tributary streams therein, for "the purpose of regulating, controlling, preventing, or otherwise rendering unobjectionable and harmless the pollution of the waters of said Potomac drainage area by sewage and industrial and other wastes";

Now therefore the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and the District

of Columbia, hereinafter designated signatory bodies, do hereby create the Potomac Valley Conservancy District, hereinafter designated the Conservancy District, comprising all of the area drained by the Potomac River and its tributaries; and also, do hereby create the Interstate Commission on the Potomac River Basin, hereinafter designated the Commission, under the articles of organization as set forth below.

ARTICLE I

The Interstate Commission on the Potomac River Basin shall consist of three members from each signatory body and three members appointed by the President of the United States. Said Commissioners, other than those appointed by the President, shall be chosen in a manner and for the terms provided by law of the signatory body from which they are appointed and shall serve without compensation from the Commission but shall be paid by the Commission their actual expenses incurred and incident to the performance of their duties.

(A) The Commission shall meet and organize within thirty days after the effective date of this compact, shall elect from its number a chairman and vice-chairman, shall adopt suitable by-laws, shall make, adopt, and promulgate such rules and regulations as are necessary for its management and control, and shall adopt a seal.

(B) The Commission shall appoint and, at its pleasure, remove or discharge such officers and legal, engineering, clerical, expert and other assistants as may be required to carry the provisions of this compact into effect, and shall determine their qualifications and fix their duties and compensation. Such personnel as may be employed shall be employed without regard to any civil service or other similar requirements for employees of any of the signatory bodies. The Commission may maintain one or more offices for the transaction of its business and may meet at any time or place within the area of the Conservancy District.

(C) The Commission shall keep accurate accounts of all receipts and disbursements and shall make an annual report thereof and shall in such report set forth in detail the operations and transactions conducted by it pursuant to this compact. The Commission, however, shall not incur any obligations for administrative or other expenses prior to the making of appropriations adequate to meet the same nor shall it in any way pledge the credit of any of the signatory bodies. Each of the signatory bodies reserves the right to make at any time an examination and audit of the accounts of the Commission.

(D) A quorum of the Commission shall, for the transaction of business, the exercise of any powers, or the performance of any duties, consist of at least a majority of the members of the Commission; provided, however, that no action of the Commission relating to policy shall be binding on any one of the signatory bodies unless at least two of the Commissioners from such signatory body shall vote in favor thereof.

ARTICLE II

The Commission shall have the power and its duties shall be:

(A) To coordinate, tabulate, and summarize technical and other data now available, or as shall become available in the future from any source, on the pollution of the streams of the Conservancy District and on the character and conditions of such streams, and

to prepare reports thereon annually and at such other times as may be deemed advisable by the Commission.

(B) To supplement existing information and data, and to secure new data by such investigations, analyses, or other means as may be necessary to secure adequate information on the character and condition of the streams of the Conservancy District as they now exist or may be affected by the future discharge of sewage and industrial and other wastes into the said stream.

(C) To cooperate with the legislative and administrative agencies of the signatory bodies, or the equivalent thereof, and with other interested commissions and similar organizations for the purpose of promoting uniform laws, rules or regulations for the abatement and control of pollution of streams in the said Conservancy District.

(D) To disseminate to the public information on the aims and purposes of the Commission and on the harmful and uneconomical results of stream pollution, through the issuance of bulletins, circulars, correspondence, literature and reports.

(E) To cooperate with other organizations engaged in fact-finding and research activities on the treatment of sewage and industrial wastes or other wastes, and if deemed advisable, to institute and conduct such research and fact-finding activities.

(F) To make and, if needful from time to time, revise and to recommend to the signatory bodies, reasonable, minimum standards for the treatment of sewage and industrial or other wastes now discharged or to be discharged in the future to the streams of the Conservancy District, and also, for cleanliness of the various streams in the Conservancy District.

ARTICLE III

Post, p. 1037.

The moneys necessary to finance the Commission in the administration of its business in the Conservancy District shall be provided through appropriations from the signatory bodies and the United States, in the manner prescribed by the laws of the several signatory bodies and of the United States, and in amounts as follows:

The pro rata contribution shall be based on such factors as population, the amount of industrial and domestic pollution; and a flat service charge, as shall be determined from time to time by the Commission, subject, however, to the approval, ratification and appropriation of such contribution by the several signatory bodies. And, further provided, that the total of such sums from signatory bodies shall not exceed a total of \$30,000 per annum.

ARTICLE IV

Pursuant to the aims and purposes of this compact, the signatory bodies mutually agree:

1. Faithful cooperation in the abatement of existing pollution and the prevention of future pollution in the streams of the Conservancy District.

2. The enactment of adequate and, in so far as is practicable, uniform legislation for the abatement and control of such pollution.

3. The appropriation of biennial sums on the proportionate basis as set forth in Article III.

ARTICLE V

This compact shall become effective immediately after it shall have been ratified by the majority of the legislatures of the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and by the Commissioners of the District of Columbia, and approved by the Congress of the United States; *provided, however*, that this compact shall not be effective as to any signatory body until ratified thereby.

ARTICLE VI

Any signatory body may by legislative act, after one year's notice to the Commission, withdraw from this compact. Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia to enter into the compact hereinbefore recited, and to each and every part and article thereof: *Provided*, That nothing contained in such compact shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of this compact.

Sec. 2. The right to alter, amend, or repeal this joint resolution is hereby expressly reserved.

Approved, July 11, 1940.

Consent of Congress.

Proviso.
Right of jurisdiction of U. S.

Right reserved.

[CHAPTER 580]

AN ACT

To authorize the payment of compensation to recess appointees in certain cases.

July 11, 1940
[S. 2773]
[Public, No. 738]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1761 of the Revised Statutes be, and it is hereby, amended to read as follows:

R. S. § 1761, amendment.
5 U. S. C. § 56.

"SEC. 1761. No money shall be paid from the Treasury, as salary, to any person appointed during the recess of the Senate, to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until such appointee has been confirmed by the Senate. The provisions of this section shall not apply (a) if the vacancy arose within thirty days prior to the termination of the session of the Senate; or (b) if, at the time of the termination of the session of the Senate, a nomination for such office, other than the nomination of a person appointed during the preceding recess of the Senate, was pending before the Senate for its advice and consent; or (c) if a nomination for such office was rejected by the Senate within thirty days prior to the termination of the session and a person other than the one whose nomination was rejected thereafter receives a recess commission: *Provided*, That a nomination to fill such vacancy under (a), (b), or (c) hereof, shall be submitted to the Senate not later than forty days after the commencement of the next succeeding session of the Senate."

Compensation for recess appointees, restriction.

When restriction not applicable.

Proviso.
Submittal of nomination to Senate.

Approved, July 11, 1940.

[CHAPTER 581]

AN ACT

July 11, 1940
[S. 3617]
[Public, No. 739]

Ohio River Valley
Water Sanitation
Compact.
Consent of Congress
given to.

49 Stat. 1490.

Granting the consent and approval of Congress to an interstate compact relating to control and reduction of pollution in the Ohio River drainage basin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent and approval of Congress is hereby given to an interstate compact relating to the control and reduction of the pollution of the streams of the Ohio River drainage basin negotiated and entered into or to be entered into under authority of Public Resolution Numbered 104, Seventy-fourth Congress, approved June 8, 1936, and now ratified by the States of New York, Illinois, Kentucky, and Indiana, and by the State of Ohio (whose ratification is to go into effect at the time at which the States of New York, Pennsylvania, and West Virginia enter into said compact as parties and signatory States), also by the State of West Virginia (whose ratification is to go into effect at the time at which the States of New York, Ohio, Virginia, and Pennsylvania enter into said compact as parties and signatory States), which compact reads as follows:

"SECTION 1.—

"OHIO RIVER VALLEY WATER SANITATION COMPACT

"BETWEEN THE STATES OF ILLINOIS, INDIANA, KENTUCKY, NEW YORK, OHIO, PENNSYLVANIA, TENNESSEE, AND WEST VIRGINIA

"Pursuant to authority granted by an Act of the 74th Congress of the United States, Public Resolution 104, approved June 8, 1936, conferences of delegates appointed to draft the compact were held at Cincinnati, Ohio, on Nov. 20, 1936; Jan. 17, 1938; May 24, 1938; June 13, 1938; October 11, 1938.

"Whereas, a substantial part of the territory of each of the signatory states is situated within the drainage basin of the Ohio River; and

"Whereas, the rapid increase in the population of the various metropolitan areas situated within the Ohio drainage basin, and the growth in industrial activity within that area, have resulted in recent years in an increasingly serious pollution of the waters and streams within the said drainage basin, constituting a grave menace to the health, welfare, and recreational facilities of the people living in such basin, and occasioning great economic loss; and

"Whereas, the control of future pollution and the abatement of existing pollution in the waters of said basin are of prime importance to the people thereof, and can best be accomplished through the cooperation of the States situated therein, by and through a joint or common agency;

"Now, Therefore, The States of Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Tennessee, and West Virginia do hereby covenant and agree as follows:

"ARTICLE I

"Each of the signatory States pledges to each of the other signatory States faithful cooperation in the control of future pollution in and abatement of existing pollution from the rivers, streams, and waters in the Ohio River basin which flow through, into or border upon any of such signatory States, and in order to effect such object, agrees to enact any necessary legislation to enable each such State to place and maintain the waters of said basin in a satisfactory sanitary condition, available for safe and satisfactory use as public

and industrial water supplies after reasonable treatment, suitable for recreational usage, capable of maintaining fish and other aquatic life, free from unsightly or malodorous nuisances due to floating solids or sludge deposits, and adaptable to such other uses as may be legitimate.

“ARTICLE II

“The signatory States hereby create a district to be known as the ‘Ohio River Valley Water Sanitation District,’ hereinafter called the District, which shall embrace all territory within the signatory States, the water in which flows ultimately into the Ohio River, or its tributaries.

“ARTICLE III

“The signatory States hereby create the ‘Ohio River Valley Water Sanitation Commission,’ hereinafter called the Commission, which shall be a body corporate, with the powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the signatory States or by act or acts of the Congress of the United States.

“ARTICLE IV

“The Commission shall consist of three commissioners from each State, each of whom shall be a citizen of the State from which he is appointed, and three commissioners representing the United States Government. The commissioners from each State shall be chosen in the manner and for the terms provided by the laws of the States from which they shall be appointed, and any commissioner may be removed or suspended from office as provided by the law of the State from which he shall be appointed. The commissioners representing the United States shall be appointed by the President of the United States, or in such other manner as may be provided by Congress. The commissioners shall serve without compensation, but shall be paid their actual expenses incurred in and incident to the performance of their duties; but nothing herein shall prevent the appointment of an officer or employee of any State or of the United States Government.

“ARTICLE V

“The Commission shall elect from its number a chairman and vice-chairman, and shall appoint, and at its pleasure remove or discharge, such officers and legal, clerical, expert and other assistants as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications and compensation. It shall adopt a seal and suitable by-laws, and shall adopt and promulgate rules and regulations for its management and control. It may establish and maintain one or more offices within the District for the transaction of its business, and may meet at any time or place. One or more commissioners from a majority of the member States shall constitute a quorum for the transaction of business.

“The Commission shall submit to the Governor of each State, at such time as he may request, a budget of its estimated expenditures for such period as may be required by the laws of such State for presentation to the legislature thereof.

“The Commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time to the inspection of such representatives of the respective signatory States as may be duly constituted for that purpose.

"On or before the first day of December of each year, the Commission shall submit to the respective governors of the signatory States a full and complete report of its activities for the preceding year.

"The Commission shall not incur any obligations of any kind prior to the making of appropriations adequate to meet the same; nor shall the Commission pledge the credit of any of the signatory States, except by and with the authority of the legislature thereof.

"ARTICLE VI

"It is recognized by the signatory States that no single standard for the treatment of sewage or industrial wastes is applicable in all parts of the District due to such variable factors as size, flow, location, character, self-purification, and usage of waters within the District. The guiding principle of this compact shall be that pollution by sewage or industrial wastes originating within a signatory State shall not injuriously affect the various uses of the interstate waters as hereinbefore defined.

"All sewage from municipalities or other political subdivisions, public or private institutions, or corporations, discharged or permitted to flow into these portions of the Ohio River and its tributary waters which form boundaries between, or are contiguous to, two or more signatory States, or which flow from one signatory State into another signatory State, shall be so treated, within a time reasonable for the construction of the necessary works, as to provide for substantially complete removal of settleable solids, and the removal of not less than forty-five per cent (45%) of the total suspended solids; provided that, in order to protect the public health or to preserve the waters for other legitimate purposes, including those specified in Article I, in specific instances such higher degree of treatment shall be used as may be determined to be necessary by the Commission after investigation, due notice and hearing.

"All industrial wastes discharged or permitted to flow into the aforesaid waters shall be modified or treated, within a time reasonable for the construction of the necessary works, in order to protect the public health or to preserve the waters for other legitimate purposes, including those specified in Article I, to such degree as may be determined to be necessary by the Commission after investigation, due notice and hearing.

"All sewage or industrial wastes discharged or permitted to flow into tributaries of the aforesaid waters situated wholly within one State shall be treated to that extent, if any, which may be necessary to maintain such waters in a sanitary and satisfactory condition at least equal to the condition of the waters of the interstate stream immediately above the confluence.

"The Commission is hereby authorized to adopt, prescribe and promulgate rules, regulations and standards for administering and enforcing the provisions of this article.

"ARTICLE VII

"Nothing in this compact shall be construed to limit the powers of any signatory State, or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory State, imposing additional conditions and restrictions to further lessen or prevent the pollution of waters within its jurisdiction.

"ARTICLE VIII

"The Commission shall conduct a survey of the territory included within the District, shall study the pollution problems of the District,

and shall make a comprehensive report for the prevention or reduction of stream pollution therein. In preparing such report, the Commission shall confer with any national or regional planning body which may be established, and any department of the Federal Government authorized to deal with matters relating to the pollution problems of the District. The Commission shall draft and recommend to the governors of the various signatory States uniform legislation dealing with the pollution of rivers, streams and waters and other pollution problems within the District. The Commission shall consult with and advise the various States, communities, municipalities, corporations, persons, or other entities with regard to particular problems connected with the pollution of waters, particularly with regard to the construction of plants for the disposal of sewage, industrial and other waste. The Commission shall, more than one month prior to any regular meeting of the legislature of any State which is a party thereto, present to the governor of the State its recommendations relating to enactments to be made by any legislature in furthering the intents and purposes of this compact.

"ARTICLE IX

"The Commission may from time to time, after investigation and after a hearing, issue an order or orders upon any municipality, corporation, person, or other entity discharging sewage or industrial waste into the Ohio River or any other river, stream or water, any part of which constitutes any part of the boundary line between any two or more of the signatory States, or into any stream any part of which flows from any portion of one signatory State through any portion of another signatory State. Any such order or orders may prescribe the date on or before which such discharge shall be wholly or partially discontinued, modified or treated or otherwise disposed of. The Commission shall give reasonable notice of the time and place of the hearing to the municipality, corporation or other entity against which such order is proposed. No such order shall go into effect unless and until it receives the assent of at least a majority of the commissioners from each of not less than a majority of the signatory States; and no such order upon a municipality, corporation, person or entity in any State shall go into effect unless and until it receives the assent of not less than a majority of the commissioners from such state.

"It shall be the duty of the municipality, corporation, person or other entity to comply with any such order issued against it or him by the Commission, and any court of general jurisdiction or any United States district court in any of the signatory States shall have the jurisdiction, by mandamus, injunction, specific performance or other form of remedy, to enforce any such order against any municipality, corporation or other entity domiciled or located within such State or whose discharge of the waste takes place within or adjoining such State, or against any employee, department or subdivision of such municipality, corporation, person or other entity; provided, however, such court may review the order and affirm, reverse or modify the same upon any of the grounds customarily applicable in proceedings for court review of administrative decisions. The Commission or, at its request, the Attorney General or other law enforcing official, shall have power to institute in such court any action for the enforcement of such order.

"ARTICLE X

"The signatory States agree to appropriate for the salaries, office and other administrative expenses, their proper proportion of the

annual budget as determined by the Commission and approved by the Governors of the signatory States, one-half of such amount to be prorated among the several States in proportion of their population within the District at the last preceding federal census, the other half to be prorated in proportion to their land area within the District.

“ARTICLE XI

“This compact shall become effective upon ratification by the legislatures of a majority of the States located within the District and upon approval by the Congress of the United States; and shall become effective as to any additional States signing thereafter at the time of such signing.”

Consent of Congress
given to Virginia, etc.

SEC. 2. Without further submission of said compact, the consent of Congress is hereby given to the State of Virginia or any other State with waters in the Ohio River drainage basin, entering into said compact as a signatory State and party in addition to the States therein named or any of them.

Appointment of
commissioners.

SEC. 3. The commissioners to represent the United States, as provided in article IV of said compact, shall be appointed by the President.

U. S. jurisdiction,
etc.

SEC. 4. Nothing contained in this Act or in the compact herein approved shall be construed as impairing or affecting the sovereignty of the United States or any of its rights or jurisdiction in and over the area or waters which are the subject of such compact.

Right reserved.

SEC. 5. The right to alter, amend, or repeal the provisions of section 1 is hereby expressly reserved.

Approved, July 11, 1940.

[CHAPTER 582]

AN ACT

July 11, 1940
[H. R. 6424]
[Public, No. 740]

To provide for the transportation and distribution of mails on motor-vehicle routes

Postal Service.
Contracts for design-
ated motor-vehicle
service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That wherever it is found that adequate railroad facilities are not available, the Postmaster General is authorized to contract for carrying the mails and railway postal clerks on routes between points where, in his judgment, the conditions justify the operation of such service in motor vehicles especially designed and equipped for the distribution of mail en route: *Provided*, That such vehicles shall be constructed, fitted up, maintained, and operated in accordance with such specifications, rules, and regulations as he may prescribe: *Provided further*, That the Postmaster General is authorized, within his discretion, to transport and provide for the distribution of mails in Government-owned motor vehicles on such routes between points where in his judgment the conditions justify the operation of such service: *Provided further*, That all laws and regulations governing Star Route Service, not in conflict with this Act, shall be applicable to contracts made under the authority of this Act: *And provided further*, That no contract shall be awarded for a period of less than two years nor in excess of four years, and that payment for such service shall be from the appropriations for inland transportation by star routes.

Prorated.
Design, etc., of ve-
hicles.
Use of Government-
owned vehicles.

Star Route Service
laws, etc., applica-
bility.

Period of contracts;
payment for service.

Distribution of mail
on motor-vehicle
routes.

Prorated.
Supervision; person-
nel.

SEC. 2. The Postmaster General may, in his discretion, and in the interest of the Postal Service, and under such rules and regulations as he may prescribe, provide for the distribution of mail on motor-vehicle routes in motor vehicles specially designed and equipped for that purpose and provided for in section 1 of this Act: *Provided*, That the supervision and distribution of mails in motor-vehicle service, as herein provided, shall be under the jurisdiction of the

Second Assistant Postmaster General, and the personnel therein shall be a part of the Railway Mail Service under the same working conditions, rates of pay, travel allowance, and other benefits applicable to railway postal clerks: *And provided further*, That payment for such service shall be from the appropriations for Railway Mail Service salaries and railway postal clerks' travel allowance.

Payment for service.

SEC. 3. Every individual or company carrying the mails shall carry on any vehicle it operates and without extra charge therefor the persons in charge of the mails and when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and post-office inspectors while traveling on official business, upon the exhibition of their credentials.

Carriage of persons in charge of mails, etc.

SEC. 4. The Postmaster General is authorized to promulgate such specifications, rules, and regulations as may be necessary to carry out the provisions of this Act.

Regulations, etc.

Approved, July 11, 1940.

[CHAPTER 583]

AN ACT

Authorizing advancements from the Federal Emergency Administration of Public Works for the construction of a recorder of deeds building in the District of Columbia, and for other purposes.

July 11, 1940
[H. R. 9114]
[Public, No. 741]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are hereby authorized to accept advancements for the District of Columbia from the Federal Emergency Administration of Public Works, or its successor, and said Administration, or its successor, with the approval of the President is authorized to advance to said Commissioners the sum of \$450,000, or any part thereof, in addition to any sums heretofore advanced to the District of Columbia by said Administration, or its successor, out of funds authorized by law for said Administration, or its successor, for a building for the office of the recorder of deeds to be located on premises now known at 515 D Street Northwest, formerly used as the police court, as recommended by a committee appointed by the Commissioners under order of January 12, 1940, and the making of such advances is hereby included among the purposes for which funds heretofore appropriated or authorized for said Administration, or its successor, including funds appropriated by the Public Works Administration Appropriation Act of 1938, may be used, in addition to the other purposes specified in the respective Acts appropriating or authorizing said funds.

District of Columbia.
Recorder of deeds building, construction.
Advancement of funds.

SEC. 2. The sum authorized by section 1 hereof, or any part thereof shall, when advanced, be available to the Commissioners of the District of Columbia for the preparation of plans, designs, estimates, models, and specifications; and for architectural and other necessary professional services required for carrying out the provisions of this Act; for the construction of a recorder of deeds building, including materials and labor, heating, lighting, elevators, plumbing, landscaping, transportation or rental thereof, and all other appurtenances, and the purchase and installation of machinery, furniture, equipment, apparatus, and any and all other expenditures necessary for or incident to the complete construction and equipment for use of the aforesaid building and plant.

52 Stat. 816.
15 U. S. C., Supp.
V, ch. 16 (note).

Use of funds.

SEC. 3. That the Federal Emergency Administration of Public Works, or its successor, shall be repaid 55 per centum of any moneys advanced under section 1 of this Act in annual installments over a period of not to exceed twenty-five years with interest thereon at such rate as is agreed upon by the Commissioners of the District and

Repayment.

Provisos.
Inclusion of sums in
annual D. C. esti-
mates.

Minimum reim-
bursement under des-
ignated Act.
46 Stat. 485.

Report to Congress.

the Federal Emergency Administration of Public Works, or its successor, for the period of amortization: *Provided*, That such sums as may be necessary for the reimbursement herein required of the District of Columbia, and for the payment of interest, shall be included in the annual estimates of the Commissioners of the District of Columbia, the first reimbursement with interest to be made not later than June 30, 1944: *Provided further*, That whenever the District of Columbia is under obligation by virtue of the provisions of section 4 of Public Act Numbered 284, Seventy-first Congress, reimbursement under that Act shall not be less than \$300,000 in any one fiscal year.

SEC. 4. That the Commissioners of the District of Columbia shall submit with their annual estimates to the Congress a report of their activities and expenditures under section 1 of this Act.

Approved, July 11, 1940.

[CHAPTER 618]

AN ACT

July 12, 1940
[S. 4097]
[Public, No. 742]

To provide for the disposition of estates of American citizens who die abroad.

Disposition of es-
tates of American citi-
zens who die abroad.
22 U. S. C. §§ 75-77.

Duties of consular,
etc., officers.

Settlement of es-
tates, exception.

Provisos.
Treaty, etc., author-
ization.

No legal representa-
tive, etc.

Provisional conser-
vator.

Administrator.

Guarding, etc., of
property.

Inventory and ap-
praisal.

Collection of debts,
etc.

Sale of property to
pay debts, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 1709, 1710, and 1711 of the Revised Statutes, as amended (U. S. C., title 22, secs. 75 and 77), are hereby amended to read as follows:

"1709. It shall be the duty of a consular officer, or, if no consular officer is present, a diplomatic officer, under such procedural regulations as the Secretary of State may prescribe—

"First. To take possession and to dispose of the personal estate left by any citizen of the United States, except a seaman who is a member of the crew of an American vessel, who shall die within or is domiciled at time of death within his jurisdiction: *Provided*, That such procedure is authorized by treaty provisions or permitted by the laws or authorities of the country wherein the death occurs, or the decedent is domiciled, or that such privilege is accorded by established usage: *Provided further*, That the decedent shall leave in the country where the death occurred or where he was domiciled, no legal representative, partner in trade, or trustee by him appointed to take care of his personal estate. A consular officer or, in his absence, a diplomatic officer shall act as the provisional conservator of the personal property within his jurisdiction of a deceased citizen of the United States but, unless authorized by treaty provisions, local law, or usage, he shall not act as administrator of such personal property. He shall render assistance in guarding, collecting, and transmitting the property to the United States to be disposed of according to the law of the decedent's domicile.

"Second. After having taken possession of the personal property, as provisional conservator, to inventory and carefully appraise the effects, article by article, with the assistance of two competent persons who, together with such officer, shall sign the inventory and annex thereto an appropriate certificate as to the accuracy of the appraised value of each article.

"Third. To collect the debts due to the decedent in his jurisdiction and pay from the estate the obligations owed there by the decedent.

"Fourth. To sell at auction, after reasonable public notice, unless the amount involved does not justify such expenditure, such part of the estate as shall be of a perishable nature, and after reasonable public notice and notice to next of kin if they can be ascertained by reasonable diligence such further part, if any, as shall be necessary

for the payment of the decedent's debts incurred in such country, and funeral expenses, and expenses incident to the disposition of the estate. If, at the expiration of one year from the date of death (or for such additional period as may be required for final settlement of the estate), no claimant shall appear, the residue of the estate, with the exception of investments of bonds, shares of stocks, notes of indebtedness, jewelry or heirlooms, or other articles having a sentimental value, shall be sold.

Sale of residue of estate; bonds, etc., excepted.

"Fifth. To transmit to the General Accounting Office the proceeds of the sale (and any unsold effects, such as investments of bonds, shares of stocks, notes of indebtedness, jewelry or heirlooms, or other articles having a sentimental value), there to be held in trust for the legal claimant. If, however, at any time prior to such transmission, the decedent's legal representative should appear and demand the proceeds and effects in the officer's hands, he shall deliver them to such representative after having collected the prescribed fee therefor.

Transmission of proceeds, etc., to General Accounting Office.

"The Comptroller General of the United States, or such member of the General Accounting Office as he may duly empower to act as his representative for the purpose, shall act as conservator of such parts of these estates as may be received by the General Accounting Office or are in its possession, and may, when deemed to be in the interest of the estate, sell such effects, including bonds, shares of stock, notes of indebtedness, jewelry, or other articles, which have heretofore or may hereafter be so received, and pay the expenses of such sale out of the proceeds: *Provided*, That application for such effects shall not have been made by the legal claimant within six years after their receipt. The Comptroller General is authorized, for and in behalf of the estate of the deceased, to receive any balances due to such estates, to draw therefor on banks, safe deposits, trust or loan companies, or other like institutions, to endorse all checks, bills of exchange, promissory notes, and other evidences of indebtedness due to such estates, and take such other action as may be deemed necessary for the conservation of such estates. The net proceeds of such sales, together with such other moneys as may be collected by him, shall be deposited into the Treasury to a fund in trust for the legal claimant and reported to the Secretary of State.

Powers of Comptroller General. Sale of effects, etc.

Proviso. When effects unclaimed; time.

Receipt of balances due estates, etc.

Deposit of funds; report to Secretary of State.

"If no claim to the effects the proceeds of which have been so deposited shall have been received from a legal claimant of the deceased within six years from the date of the receipt of the effects by the General Accounting Office, the funds so deposited, with any remaining unsold effects, less transmittal charges, shall be transmitted by that office to the proper officer of the State or Territory of the last domicile in the United States of the deceased citizen, if known, or, if not, such funds shall be covered into the general fund of the Treasury as miscellaneous receipts on account of proceeds of deceased citizens, and any such remaining unsold effects shall be disposed of by the General Accounting Office in such manner as, in the judgment of the Comptroller General, is deemed appropriate, or they may be destroyed if considered no longer possessed of any value: *Provided*, That when the estate shall be valued in excess of \$500, and no claim therefor has been presented to the General Accounting Office by a legal claimant within the period specified in this paragraph or the legal claimant is unknown, before disposition of the estate as provided herein, notice shall be given by publishing once a week for four consecutive weeks in a newspaper published in the county of the last known domicile of the deceased, in the United States, the expense thereof to be deducted from the proceeds of such estate, and any lawful claim received as the result of such advertisement shall be adjusted and settled as provided for herein.

Disposition of unclaimed proceeds, etc.

Proviso. Notice by publication.

Notification of death.	"1710. For the information of the representative of the deceased, the consular officer, or, if no consular officer is present, a diplomatic officer, in the settlement of his estate shall immediately notify his death in one of the gazettes published in the consular district, and also to the Secretary of State, that the same may be notified in the State to which the deceased belonged; and he shall, as soon as may be, transmit to the Secretary of State an inventory of the effects of the deceased taken as before directed.
Transmission of inventory.	
Observance of testamentary directions.	"1711. When a citizen of the United States dies in a foreign country and leaves, by any lawful testamentary disposition, special directions for the custody and management, by the consular officer, or in his absence a diplomatic officer, within whose jurisdiction the death occurred, of the personal property in the foreign country which he possessed at the time of death, such officer shall, so far as the laws of the foreign country permit, strictly observe such directions if not contrary to the laws of the United States. If such citizen has named, by any lawful testamentary disposition, any other person than a consular officer or diplomatic officer to take charge of and manage such property, it shall be the duty of the officer, whenever required by the person so named, to give his official aid in whatever way may be practicable to facilitate the proceedings of such person in the lawful execution of his trust, and, so far as the laws of the country or treaty provisions permit, to protect the property of the deceased from any interference by the authorities of the country where such citizen died. To this end it shall be the duty of the consular officer, or if no consular officer is present a diplomatic officer, to safeguard the decedent's property by placing thereon his official seal and to break and remove such seal only upon the request of the person designated by the deceased to take charge of and manage his property."
Aiding in proceedings, etc.	
Safeguarding property.	

Approved, July 12, 1940.

[CHAPTER 626]

AN ACT

<p>July 15, 1940 [S. 134] [Public, No. 743]</p>	<p>Providing for continuing retirement pay, under certain conditions, of officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability while in the service of the United States during the World War, and for other purposes.</p>
<p>Retired emergency officers. Continuance of pay.</p>	<p><i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,</i> That, notwithstanding the provisions of any law of the United States, any person who served as an officer of the Army, Navy, or Marine Corps of the United States during the World War, other than as an officer of the Regular Army, Navy, or Marine Corps during the World War, who made valid application for retirement under the provisions of Public Law Numbered 506, Seventieth Congress, enacted May 24, 1928 (U. S. C., Supp. VII, title 38, secs. 581 and 582), and who prior to the passage of this Act has been granted retirement with pay and is shown to have been heretofore correctly rated, shall be entitled to continue to receive retirement pay at the monthly rate paid him on March 19, 1933, if the disability for which he has been retired resulted from disease or injury or aggravation of a preexisting disease or injury incurred in such service in fact in line of duty and directly resulting from the performance of duty: <i>Provided</i>, That such person rendered active service as a commissioned officer within the period between April 6, 1917, and November 11, 1918: <i>Provided further</i>, That where the disability is now or hereafter determined to be</p>
<p>45 Stat. 735. 38 U. S. C. §§ 581, 582.</p>	
<p>Disability requirement.</p>	
<p><i>Provisos.</i> Active commissioned service. Determination of disability.</p>	

clearly shown by all of the evidence to have been incurred in or aggravated by active service, in fact in line of duty without benefit of any statutory or regulatory presumption of any kind, it will be considered to have directly resulted from performance of duty: *Provided further*, That the Administrator of Veterans' Affairs is hereby authorized and directed to adjudicate claims for emergency officers' retirement in accordance with the provisions of the Act of May 24, 1928 (Public Law Numbered 506, Seventieth Congress), subject to limitations contained in section 10 of the Act of March 20, 1933 (Public Law Numbered 2, Seventy-third Congress), as modified by the provisions of this Act, in any case where the disability resulted from injury or disease incurred in combat with an enemy of the United States, and where entitlement is established based upon such injury or disease the Administrator of Veterans' Affairs is hereby authorized to grant retirement with pay as provided in the said Act of May 24, 1928, notwithstanding the failure of the person to file claim within the period required by said Act of May 24, 1928.

SEC. 2. No beneficiary under this Act shall receive any retirement pay for any period prior to the date of this Act.

SEC. 3. That subsection (b) of section 212 of Public Law Numbered 212, Seventy-second Congress, shall be amended to read as follows:

"(b) This section shall not apply to any person whose retired pay, plus civilian pay, amounts to less than \$3,000: *Provided*, That this section shall not apply to regular or emergency commissioned officers retired for disability incurred in combat with an enemy of the United States or for disabilities resulting from an explosion of an instrumentality of war in line of duty during an enlistment or employment as provided in Veterans Regulation Numbered 1 (a), part I, paragraph I."

Approved, July 15, 1940.

Adjudication of claims.

48 Stat. 10.
38 U. S. C. § 710.

Retirement with pay.

No prior benefits.

47 Stat. 406.
5 U. S. C. § 59a (b).

Combined pay.

Proviso.
Combat, etc., disabilities.

[CHAPTER 629]

AN ACT

To authorize the use of certain facilities of Indian reservations, national parks, and national monuments for elementary school purposes.

July 16, 1940
[S. 29]

[Public, No. 744]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate the providing of educational opportunities for children of Government employees and other residents in Indian reservations, the national parks and national monuments the Secretary of the Interior is hereby authorized in his discretion to make available for elementary school purposes therein, without charge, space in Government-owned buildings, when such space may be available for such purposes without detriment to the official business of such Indian reservations, national parks and national monuments.

Approved, July 16, 1940.

Use of certain facilities of Indian reservations, etc., for elementary school purposes.

[CHAPTER 630]

AN ACT

To withdraw certain portions of land within the Hawaii National Park and to transfer the same to the jurisdiction and control of the Secretary of War for military purposes.

July 16, 1940
[S. 3676]

[Public, No. 745]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within a tract of land containing six thousand four hundred fifty acres, more or less, on the island of Hawaii in the Territory of Hawaii, located

Hawaii National Park.
Transfer of land for military purposes.

16 U. S. C. §§ 391-394; Supp. V, § 391b.
Description.

in the Hawaii National Park, created by the Act of August 1, 1916 (39 Stat. 432), as amended, and described as follows, to wit:

Transfer provision.

Beginning at a place called Na Puu O na Elemakule located at the southeastern corner of the Hawaii National Park, said point being marked by a triangle on a large flat stone, thence by azimuth (measured clockwise from true south) and distances as follows: Eighty-nine degrees twenty-seven minutes thirty seconds, three thousand three hundred feet along the southern boundary of Hawaii National Park; one hundred and seventy-nine degrees twenty-seven minutes thirty seconds, fourteen thousand five hundred and fifty feet over and across Pali to a point on Kau Desert Plateau; two hundred and forty-three degrees fifty-seven minutes no seconds, eighteen thousand four hundred and fifty feet to a point located above Hilima Pali; three hundred and fifty-nine degrees twenty-seven minutes thirty seconds, twelve thousand nine hundred and ninety feet more or less to high-water line; thence in southwesterly direction along the high-water line to the point of beginning; containing an area of six thousand four hundred and fifty acres, more or less; there shall be withdrawn from the control and jurisdiction of the Secretary of the Interior and transferred to the jurisdiction and control of the Secretary of War so much thereof as may be agreed upon between the Secretaries of War and Interior for use as an Air Corps bombing target range, and for such other military purposes and uses as may be prescribed by the Secretary of War.

Approved, July 16, 1940.

[CHAPTER 632]

AN ACT

July 18, 1940
[S. 468]
[Public, No. 746]

Extending the benefits of the Emergency Officers' Retirement Act of May 24, 1928, to provisional, probationary, or temporary officers of the Army, Navy, Marine Corps, and Coast Guard who served during the World War.

Provisional, etc.,
officers of World War.
Disability retire-
ment.
45 Stat. 735.
38 U. S. C. §§ 581,
582.
48 Stat. 10.
38 U. S. C. § 710.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the benefits of the Act of May 24, 1928, (Public, Numbered 506, Seventieth Congress), subject to the limitations contained in section 10 of the Act of March 20, 1933 (Public, Numbered 2, Seventy-third Congress) as now or hereafter amended are hereby extended to provisional, probationary, or temporary officers of the military or naval forces or Coast Guard, who served subsequent to April 6, 1917, and who are now in a status of honorable separation from the military, naval, or Coast Guard Service, if application for such benefits is filed with the Administrator of Veterans' Affairs within twelve months after the passage of this Act: *Provided*, That the benefits under this Act shall take effect from the date of application, if approved.

Approved, July 18, 1940.

Filing of applica-
tion.

Proviso.
Benefits, date effec-
tive.

[CHAPTER 633]

AN ACT

July 18, 1940
[S. 3131]
[Public, No. 747]

To extend the benefits of the United States Employees' Compensation Act to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army who were physically injured in line of duty while performing active duty or engaged in authorized training between dates of February 28, 1925, and July 15, 1939, both inclusive, and for other purposes.

Extension of certain
benefits to members
of Officers' Reserve
Corps, etc.
39 Stat. 742.
5 U. S. C., ch. 15;
Supp. V, ch. 15.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where in time of peace any member of the Officers' Reserve Corps or of the Enlisted Reserve Corps of the Army was physically injured in line of duty

(1) while on active duty, or (2) while engaged in authorized travel to and from such duty, or (3) while engaged in authorized training without pay, or dies or has died as the result of such physical injury, where such injury or death occurred between the dates of February 28, 1925, and July 15, 1939, both inclusive, when such injury or death results from an accident involving a military hazard such as flying in military aircraft, participation in military drills, target practice and tactical exercises, and in injury cases where such injury has resulted in permanent partial or permanent total disability, he or his beneficiary shall be entitled to all the benefits prescribed by law for civil employees of the United States who are physically injured in line of duty or who die as a result thereof, and the United States Employees' Compensation Commission shall have jurisdiction in such cases and shall perform the same duties with reference thereto as in the cases of civil employees of the United States so injured: *Provided*, That the benefits shall accrue to any such member, or his beneficiary, whether the disability or death is the result of sickness or disease contracted in line of duty while on active duty when such sickness or disease is proximately caused by service on active duty: *Provided further*, That employees' compensation under this Act shall not be paid concurrently with active-duty pay or pension based upon military service, and in the event a person becomes eligible for the benefits of the United States Employees' Compensation Act and is also eligible for, or is in receipt of, a pension based upon military service, he shall elect which benefit to receive: *Provided further*, That authorized training without pay is defined as inactive-status training under written authorization by competent military authority covering a specific training assignment and prescribing a time limit: *Provided further*, That for the purpose of determining benefits to which entitled under the provisions of this Act members of the Officers' Reserve Corps or of the Enlisted Reserve Corps of the Army physically injured when engaged in authorized training without pay will be held and considered as receiving the pay and allowances they would have received if in a pay status: *And provided further*, That nothing herein shall be construed to authorize compensation benefits which may have accrued for any period prior to the approval of this Act, but eligibility for compensation benefits shall be determined as of the date of approval of this Act and any benefits payable shall date only from such approval and the eight-year period of limitation in section 10-G of the Federal Employees' Compensation Act of September 7, 1916, shall be computed for purposes of this Act, from the date of approval thereof.

Where injury or death has been sustained by any member of the Officers' Reserve Corps or Enlisted Reserve Corps while performing authorized training without pay upon inactive status it shall be presumed that such training was being performed under written authorization of competent military authority covering a specific training assignment and prescribing a time limit and thus subject to the provision of this Act unless a duly appointed Examining Board, appointed at the time of said accident, has found and reported to the contrary.

All claims for disability or death benefits allowed under the provisions of this Act shall be made within one year from its approval by the President.

Approved, July 18, 1940.

Designated period.

Jurisdiction.

Provisos.
Accrual of benefits.

Person eligible for military pension, etc.; election of benefit.

Authorized training without pay, definition.

Determination of benefits when under nonpay status.

No prior benefits.

39 Stat. 745.
5 U. S. C. § 760 (G).

Presumption of written authority to train; exception.

Filing of claims, time limitation.

[CHAPTER 634]

AN ACT

July 18, 1940
[H. R. 2751]
[Public, No. 748]

To repeal sections 3711, 3712, and 3713 of the Revised Statutes which relate to the purchase in the District of Columbia of coal and wood for public use, and for other purposes.

District of Columbia.
Repeal of certain provisions relating to purchase of coal and wood.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 3711, 3712, and 3713 of the Revised Statutes (U. S. C., title 40, sec. 109) are hereby repealed.

SEC. 2. Those parts of the Acts making appropriations for the Treasury and Post Office Departments approved March 15, 1934 (48 Stat. 425), May 14, 1935 (49 Stat. 218), June 23, 1936 (49 Stat. 1827), May 14, 1937 (50 Stat. 137), and March 28, 1938 (52 Stat. 139), which provide "That the requirements of sections 3711 and 3713 of the Revised Statutes (U. S. C., title 40, sec. 109) relative to the weighing of coal and wood and the separate certificate as to the weight, measurement, or quantity of coal and wood purchased shall not apply to purchases by the Procurement Division at free-on-board destination outside of the District of Columbia" (U. S. C., title 40, sec. 109a), are hereby repealed.

Approved, July 18, 1940.

[CHAPTER 635]

AN ACT

July 18, 1940
[H. R. 7233]
[Public, No. 749]

To amend the Act entitled "An Act to provide for the disposition, control, and use of surplus real property acquired by Federal agencies, and for other purposes", approved August 27, 1935 (Public, Numbered 351, Seventy-fourth Congress), and for other purposes.

Surplus Federal real property.

49 U. S. C., Supp. V, § 304a.

Proviso.
Sale by negotiation.

49 Stat. 885.
40 U. S. C., Supp. V, §§ 304a-304e.
Appropriation authorized to cover costs.

Proviso.
Responsibility for maintenance, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to provide for the disposition, control, and use of surplus real property acquired by Federal agencies, and for other purposes", approved August 27, 1935 (Public, Numbered 351, Seventy-fourth Congress; 49 Stat. 885; U. S. C., Supp. II, title 40, sec. 304 (a) to (e)), be, and the same is hereby, amended by inserting, before the period at the end thereof, a colon and the following: "*Provided*, That if no bids which are satisfactory as to price and responsibility of bidder are received as a result of such public advertisement, the Commissioner of Public Buildings, with the approval of the Federal Works Administrator, is authorized to sell such property by negotiation, upon such terms as may be deemed to be to the best interest of the Government, but at a price not less than that bid by the highest responsible bidder".

SEC. 2. Such Act of August 27, 1935, is further amended by adding at the end thereof the following sections:

"SEC. 6. There are hereby authorized to be appropriated such amounts as may be necessary to cover the costs incident to the sale or lease of real property, or demolition of buildings thereon as hereinafter authorized, which have been or may hereafter be declared surplus to the needs of any Federal agency in accordance with the provisions of this Act, and the care, maintenance, and protection thereof, including, but not limited to pay of employees, travel of Government employees, brokers' fees not in excess of rates paid for similar services in the community where the property is situated, appraisals, photographs, surveys, evidence of title and perfecting of defective titles, advertising, and telephone and telegraph charges: *Provided, however*, That a Federal agency shall remain responsible for the proper care, maintenance, and protection of the aforesaid property, notwithstanding any declaration that the same is in excess

of its needs until such time as custody is assumed by the Federal Works Agency or other disposition is made thereof.

"SEC. 7. The Commissioner of Public Buildings, with the approval of the Federal Works Administrator, is authorized, upon their determination that such action will be to the best interest of the Government, to demolish any building declared surplus to the needs of the Government in accordance with the provisions of this Act: *Provided*, That before proceeding with the demolition of any building, the Commissioner of Public Buildings shall inform the Secretary of the Interior in writing of his intention to demolish it, and shall not proceed with the demolition until he shall have received written notice from the Secretary of the Interior that said building is not an historic building of national significance within the meaning of the Act entitled 'An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes', approved August 21, 1935 (Public, Numbered 292, Seventy-fourth Congress; 49 Stat. 666): *Provided, however*, That if the Secretary of the Interior shall fail to notify the Commissioner of Public Buildings of his determination as to whether such building is an historic building of national significance within ninety days of the receipt of the notice of intention to demolish the Commissioner of Public Buildings may proceed to demolish said building."

SEC. 3. Sections 1 to 4, inclusive, of such Act of August 27, 1935, are amended (a) by striking out the words "Secretary of the Treasury" wherever they appear and inserting in lieu thereof the words "Federal Works Administrator"; (b) by striking out the words "Director of Procurement" wherever they appear and inserting in lieu thereof the words "Commissioner of Public Buildings"; (c) by striking out the words "Procurement Division" wherever they appear and inserting in lieu thereof the words "Public Buildings Administration".

Approved, July 18, 1940.

[CHAPTER 636]

AN ACT

To amend the United States Grain Standards Act, to provide for the grading of soybeans, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Grain Standards Act is amended as follows:

By inserting after "flaxseed," in the first sentence of section 2 thereof, the following: "soybeans,".

Approved, July 18, 1940.

[CHAPTER 637]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Illinois.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of the bridge across the Mississippi River, at or near Chester, Illinois, authorized to be built by the city of Chester, Illinois, by an Act of Congress approved July 18, 1939, are hereby extended one and three years, respectively, from July 18, 1940.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, July 18, 1940.

Demolition of surplus buildings.

Provisos.
Notice of intention to demolish.

Historic buildings, restriction.

16 U. S. C., Supp. V, §§ 461-467.
Failure to give notification, effect.

Amendments.
49 Stat. 885, 886.
40 U. S. C., Supp. V, §§ 304a-304d.

July 18, 1940
[H. R. 7696]
[Public, No. 750]

United States Grain Standards Act, amendment.
39 Stat. 482.
7 U. S. C. § 74.

July 18, 1940
[H. R. 8372]
[Public, No. 751]

Mississippi River.
Time extended for bridging, at Chester, Ill.

53 Stat. 1038.

Right reserved.

[CHAPTER 638]

AN ACT

July 18, 1940
[H. R. 9576]
[Public, No. 752]

Relating to the admission to Saint Elizabeths Hospital of persons resident or domiciled in the Virgin Islands of the United States.

Saint Elizabeths
Hospital, D. C.
Admission to, of
certain insane persons
resident, etc., in Vir-
gin Islands.
Post, p. 1236.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon the application of the Governor of the Virgin Islands, the Secretary of the Interior is authorized to transfer to Saint Elizabeths Hospital in the District of Columbia for treatment (1) persons who are permanent residents of the Virgin Islands of the United States, who are citizens or nationals of the United States, and who have been legally adjudged to be insane in the Virgin Islands or while temporarily in another insular possession or a Territory of the United States or in the continental United States; and (2) persons who have been legally adjudged to be insane in the Virgin Islands, who are not permanent residents of the Virgin Islands, and who are American citizens whose legal residence in one of the States or Territories or the District of Columbia it has been impossible to establish. The expense of treatment and care may be paid from the appropriation for the support of the hospital.

Expense of treat-
ment.

Transfer to legal
residence.

Expenses of transfer.

Upon the ascertainment of the legal residence of American citizens who have been transferred to the hospital and who are not permanent residents of the Virgin Islands, the superintendent of the hospital shall transfer such persons to their respective places of residence, and the expenses of transfer shall be paid from the appropriation for the support of the hospital.

Approved, July 18, 1940.

[CHAPTER 639]

JOINT RESOLUTION

July 18, 1940
[H. J. Res. 582]
[Pub. Res., No. 94]

Making an appropriation to enable the United States Maritime Commission to establish the marine and war-risk insurance fund.

U. S. Maritime
Commission.
Appropriation for
marine and war-risk
insurance fund.
49 Stat. 1985.
46 U. S. C., Supp.
V, §§ 1111-1126.

Ante, p. 689.

Personal services,
etc.

Proviso.
Temporary employ-
ment of experts.

Certification.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That to enable the United States Maritime Commission to establish the marine and war-risk insurance fund as authorized by and in accordance with title II of the Merchant Marine Act, 1936, as amended by the Act entitled "An Act to amend the Merchant Marine Act, 1936, as amended, to provide for marine war-risk insurance and reinsurance and for marine-risk insurance, and for other purposes", approved June 29, 1940, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$40,000,000, of which not to exceed \$150,000 may be expended by the Commission for personal services in the District of Columbia and elsewhere, traveling expenses, printing and binding, and other necessary administrative expenses: *Provided*, That expenses incurred in the temporary employment of experts in marine insurance, including attorneys, in connection with the investigation and settlement of claims shall not be considered as administrative expenses hereunder, and all such expenses shall be certified by the Chairman of the Commission in each case as necessary and reasonable.

Approved, July 18, 1940.

[CHAPTER 640]

AN ACT

To extend to certain officers and employees in the several States and the District of Columbia the provisions of the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939.

July 19, 1940

[S. 3046]

[Public, No. 753]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939, is amended to read as follows:

"SEC. 2. It shall be unlawful for (1) any person employed in any administrative position by the United States, or by any department, independent agency, or other agency of the United States (including any corporation controlled by the United States or any agency thereof, and any corporation all of the capital stock of which is owned by the United States or any agency thereof), or (2) any person employed in any administrative position by any State, by any political subdivision or municipality of any State, or by any agency of any State or any of its political subdivisions or municipalities (including any corporation controlled by any State or by any such political subdivision, municipality, or agency, and any corporation all of the capital stock of which is owned by any State or by any such political subdivision, municipality, or agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or by any such department, independent agency, or other agency of the United States, to use his official authority for the purpose of interfering with, or affecting, the election or the nomination of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or insular possession."

SEC. 2. The third sentence of section 9 (a) of such Act of August 2, 1939, is amended to read as follows: "All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates."

SEC. 3. Section 10 of such Act of August 2, 1939, is amended to read as follows:

"SEC. 10. The provisions of this Act shall be in addition to and not in substitution for any other provision of law."

SEC. 4. Such Act of August 2, 1939, is further amended by adding at the end thereof the following new sections:

"SEC. 12. (a) No officer or employee of any State or local agency whose principal employment is in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency shall (1) use his official authority or influence for the purpose of interfering with an election or a nomination for office, or affecting the result thereof, or (2) directly or indirectly coerce, attempt to coerce, command, or advise any other such officer or employee to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes. No such officer or employee shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. For the purposes of the second sentence of this subsection, the term 'officer or employee' shall not be construed to include (1) the Governor or the Lieutenant Governor of any State or any person who is authorized by law to act as Governor, or the mayor of any city; (2) duly elected heads of executive

Extension of Act to prevent pernicious political activities.

53 Stat. 1147.

18 U. S. C., Supp.

V, § 61a.

Interference with certain elections, etc., by designated persons.

Post, p. 1032.

Right to vote, etc.

53 Stat. 1148.

18 U. S. C., Supp.

V, § 61h (a).

53 Stat. 1149.

18 U. S. C., Supp.

V, § 61j.

Provisions deemed supplementary.

53 Stat. 1147.

18 U. S. C., Supp.

V, §§ 61i-61k.

Interference with an election, etc., by certain State officers or employees.

Active political participation.

Right to vote, etc.

"Officer or employee" construed; restriction.

departments of any State or municipality who are not classified under a State or municipal merit or civil-service system; (3) officers holding elective offices.

Report of violations
to U. S. Civil Service
Commission.

Hearings by Com-
mission; notification.

Findings.

Employee not re-
moved from office
within stated period;
withholding of Fed-
eral funds.

Amount.

Exception.

Proviso.
When funds not to
be withheld.

Notice to State, etc.,
agency.

Petition for review.

Stay of determina-
tion or order.

“(b) If any Federal agency charged with the duty of making any loan or grant of funds of the United States for use in any activity by any officer or employee to whom the provisions of subsection (a) are applicable has reason to believe that any such officer or employee has violated the provisions of such subsection, it shall make a report with respect thereto to the United States Civil Service Commission (hereinafter referred to as the ‘Commission’). Upon the receipt of any such report, or upon the receipt of any other information which seems to the Commission to warrant an investigation, the Commission shall fix a time and place for a hearing, and shall by registered mail send to the officer or employee charged with the violation and to the State or local agency employing such officer or employee a notice setting forth a summary of the alleged violation and the time and place of such hearing. At such hearing (which shall be not earlier than ten days after the mailing of such notice) either the officer or employee or the State or local agency, or both, may appear with counsel and be heard. After such hearing, the Commission shall determine whether any violation of such subsection has occurred and whether such violation, if any, warrants the removal of the officer or employee by whom it was committed from his office or employment, and shall by registered mail notify such officer or employee and the appropriate State or local agency of such determination. If in any case the Commission finds that such officer or employee has not been removed from his office or employment within thirty days after notice of a determination by the Commission that such violation warrants his removal, or that he has been so removed and has subsequently (within a period of eighteen months) been appointed to any office or employment in any State or local agency in such State, the Commission shall make and certify to the appropriate Federal agency an order requiring it to withhold from its loans or grants to the State or local agency to which such notification was given an amount equal to two years’ compensation at the rate such officer or employee was receiving at the time of such violation; except that in any case of such a subsequent appointment to a position in another State or local agency which receives loans or grants from any Federal agency, such order shall require the withholding of such amount from such other State or local agency: *Provided*, That in no event shall the Commission require any amount to be withheld from any loan or grant pledged by a State or local agency as security for its bonds or notes if the withholding of such amount would jeopardize the payment of the principal or interest on such bonds or notes. Notice of any such order shall be sent by registered mail to the State or local agency from which such amount is ordered to be withheld. The Federal agency to which such order is certified shall, after such order becomes final, withhold such amount in accordance with the terms of such order. Except as provided in subsection (c), any determination or order of the Commission shall become final upon the expiration of thirty days after the mailing of notice of such determination or order.

“(c) Any party aggrieved by any determination or order of the Commission under subsection (b) may, within thirty days after the mailing of notice of such determination or order, institute proceedings for the review thereof by filing a written petition in the district court of the United States for the district in which such officer or employee resides; but the commencement of such proceedings shall not operate as a stay of such determination or order unless (1) it is specifically so ordered by the court, and (2) such

officer or employee is suspended from his office or employment during the pendency of such proceedings. A copy of such petition shall forthwith be served upon the Commission, and thereupon the Commission shall certify and file in the court a transcript of the record upon which the determination or the order complained of was made. The review by the court shall be on the record entire, including all of the evidence taken on the hearing, and shall extend to questions of fact and questions of law. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence may materially affect the result of the proceedings and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may direct such additional evidence to be taken before the Commission in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings of fact or its determination or order by reason of the additional evidence so taken and shall file with the court such modified findings, determination, or order, and any such modified findings of fact, if supported by substantial evidence, shall be conclusive. The court shall affirm the Commission's determination or order, or its modified determination or order, if the court determines that the same is in accordance with law. If the court determines that any such determination or order, or modified determination or order, is not in accordance with law, the court shall remand the proceeding to the Commission with directions either to make such determination or order as the court shall determine to be in accordance with law or to take such further proceedings as, in the opinion of the court, the law requires. The judgment and decree of the court shall be final, subject to review by the appropriate circuit court of appeals as in other cases, and the judgment and decree of such circuit court of appeals shall be final, subject to review by the Supreme Court of the United States on certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., 1934 edition, title 28, secs. 346 and 347). If any provision of this subsection is held to be invalid as applied to any party with respect to any determination or order of the Commission, such determination or order shall thereupon become final and effective as to such party in the same manner as if such provision had not been enacted.

"(d) The Commission is authorized to adopt such reasonable procedure and rules and regulations as it deems necessary to execute its functions under this section. The Civil Service Commission shall have power to require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to any matter pending, as a result of this Act, before the Commission. Any member of the Commission may sign subpoenas, and members of the Commission and its examiners when authorized by the Commission may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpoena, the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring such person to appear before the Commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in

Transcript of record.

Review upon entire record.

Additional evidence.

Modification of Commission's order.

Affirmation by court.

Remanding of proceeding to Commission.

Finality of judgment and decree; review.

36 Stat. 1157.

When designated provision held invalid; effect.

Rules and regulations.

Attendance of witnesses, etc.

Oaths, examination of witnesses, etc.

Enforcement of subpoenas.

Depositions.	question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The Commission may order testimony to be taken by deposition in any proceeding or investigation, which as a result of this Act, is pending before the Commission at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence before the Commission as hereinbefore provided. No person shall be excused from attending and testifying or from producing documentary evidence or in obedience to a subpoena on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify, or produce evidence, documentary or otherwise, before the Commission in obedience to a subpoena issued by it: <i>Provided</i> , That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.
Incriminating evidence.	
Proviso. Perjury.	
Provisions inapplicable.	“(e) The provisions of the first two sentences of subsection (a) of this section shall not apply to any officer or employee who exercises no functions in connection with any activity of a State or local agency which is financed in whole or in part by loans or grants made by the United States or by any Federal agency.
“State or local agency” defined.	“(f) For the purposes of this section— “(1) The term ‘State or local agency’ means the executive branch of any State, or of any municipality or other political subdivision of such State, or any agency or department thereof.
“Federal agency” defined.	“(2) The term ‘Federal agency’ includes any executive department, independent establishment, or other agency of the United States (except a member bank of the Federal Reserve System).
Limitation on campaign contributions.	“SEC. 13. (a) It is hereby declared to be a pernicious political activity, and it shall hereafter be unlawful, for any person, directly or indirectly, to make contributions in an aggregate amount in excess of \$5,000, during any calendar year, or in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office (including the offices of President of the United States and Presidential and Vice Presidential electors), or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party. This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization.
State or local committees, etc., excepted.	“(b) For the purposes of this section— “(1) The term ‘person’ includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.
“Person” defined.	“(2) The term ‘contribution’ includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.
“Contribution” defined.	“(c) It is further declared to be a pernicious political activity, and it shall hereafter be unlawful for any person, individual, partnership, committee, association, corporation, and any other organization or group of persons to purchase or buy any goods, com-
Certain purchases of goods, advertising, etc., declared unlawful.	

modities, advertising, or articles of any kind or description where the proceeds of such a purchase, or any portion thereof, shall directly or indirectly inure to the benefit of or for any candidate for an elective Federal office (including the offices of President of the United States, and Presidential and Vice Presidential electors) or any political committee or other political organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party: *Provided*, That nothing in this sentence shall be construed to interfere with the usual and known business, trade, or profession of any candidate.

“(d) Any person who engages in a pernicious political activity in violation of any provision of this section, shall upon conviction thereof be fined not more than \$5,000 or imprisoned for not more than five years. In all cases of violations of this section by a partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation, shall be subject to punishment as herein provided.

“(e) Nothing in this section shall be construed to permit the making of any contribution which is prohibited by any provision of law in force on the date this section takes effect. Nothing in this Act shall be construed to alter or amend any provisions of the Federal Corrupt Practices Act of 1925, or any amendments thereto.

“SEC. 14. For the purposes of this Act, persons employed in the government of the District of Columbia shall be deemed to be employed in the executive branch of the Government of the United States, except that for the purposes of the second sentence of section 9 (a) the Commissioners and the Recorder of Deeds of the District of Columbia shall not be deemed to be officers or employees.

“SEC. 15. The provisions of this Act which prohibit persons to whom such provisions apply from taking any active part in political management or in political campaigns shall be deemed to prohibit the same activities on the part of such persons as the United States Civil Service Commission has heretofore determined are at the time this section takes effect prohibited on the part of employees in the classified civil service of the United States by the provisions of the civil-service rules prohibiting such employees from taking any active part in political management or in political campaigns.

“SEC. 16. Whenever the United States Civil Service Commission determines that, by reason of special or unusual circumstances which exist in any municipality or other political subdivision, in the immediate vicinity of the National Capital in the States of Maryland and Virginia or in municipalities the majority of whose voters are employed by the Government of the United States, it is in the domestic interest of persons to whom the provisions of this Act are applicable, and who reside in such municipality or political subdivision, to permit such persons to take an active part in political management or in political campaigns involving such municipality or political subdivision, the Commission is authorized to promulgate regulations permitting such persons to take an active part in such political management and political campaigns to the extent the Commission deems to be in the domestic interest of such persons.

“SEC. 17. Nothing in the second sentence of section 12 (a) of this Act shall be construed to prevent or prohibit any officer or employee of a State or local agency (as defined in section 12 (f)) from continuing, until the election in connection with which he was nominated, to be a bona fide candidate for election to any public office and from

Proviso.
Noninterference
with candidate's busi-
ness, etc.

Penalty.

Violations by part-
nerships, etc.

Contributions pro-
hibited by prior laws.

Corrupt practices.
43 Stat. 1070.
2 U. S. C. §§ 241-
256.

District of Colum-
bia employees.

Exception.

Taking active part
in political manage-
ment, etc., activities
prohibited.

Certain residents of
municipalities in im-
mediate vicinity of
D. C., etc.
Political activities.

Regulations.

Certain State, etc.,
nominees for public
office, political activi-
ties permitted.

Conditions.

engaging in any political activity in furtherance of his candidacy for such public office, if (1) he was nominated before the date of the enactment of this Act, and (2) upon his election to such public office he resigns from the office or employment in which he was employed prior to his election, in a State or local agency (as defined in section 12 (f)).

Political activities in connection with designated elections, etc., not prohibited.
53 Stat. 1148.
18 U. S. C., Supp. V, § 61h (a).
Ante, p. 767.

"Sec. 18. Nothing in the second sentence of section 9 (a) or in the second sentence of section 12 (a) of this Act shall be construed to prevent or prohibit any person subject to the provisions of this Act from engaging in any political activity (1) in connection with any election and the preceding campaign if none of the candidates is to be nominated or elected at such election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected, or (2) in connection with any question which is not specifically identified with any National or State political party. For the purposes of this section, questions relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, shall not be deemed to be specifically identified with any National or State political party.

"State" defined.

"Sec. 19. As used in this Act, the term 'State' means any State, Territory, or possession of the United States."

Prohibition on contributions by persons or firms having U. S. contracts.

SEC. 5. (a) No person or firm entering into any contract with the United States or any department or agency thereof, either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof, or selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, shall, during the period of negotiation for, or performance under such contract or furnishing of material, supplies, equipment, land, or buildings, directly, or indirectly, make any contribution of money or any other thing of value, or promise expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; nor shall any person knowingly solicit any such contribution from any such person or firm, for any such purpose during any such period. Any person who violates the provisions of this section shall, upon conviction thereof, be fined not more than \$5,000 or imprisoned not more than five years.

Penalty.

Prohibited actions; construing of section.

(b) Nothing in this section shall be construed to permit any action which is prohibited by any provision of law in force on the date this section takes effect.

53 Stat. 1147.
18 U. S. C., Supp. V, §§ 61-61k.

Limitation on receipts and expenditures of political committees.

SEC. 6. Such Act of August 2, 1939, is further amended by adding at the end thereof the following new section:

"SEC. 20. No political committee shall receive contributions aggregating more than \$3,000,000, or make expenditures aggregating more than \$3,000,000, during any calendar year. For the purposes of this section, any contributions received and any expenditures made on behalf of any political committee with the knowledge and consent of the chairman or treasurer of such committee shall be deemed to be received or made by such committee. Any violation of this section by any political committee shall be deemed also to be a violation of this section by the chairman and the treasurer of such committee and by any other person responsible for such violation. Terms used in this section shall have the meaning assigned to them in section 302 of the Federal Corrupt Practices Act, 1925, and the penalties provided in such Act shall apply to violations of this section."

Violations.

Meaning of terms used; penalties.

43 Stat. 1070.
2 U. S. C. § 241.

Approved, July 19, 1940.

[CHAPTER 641]

AN ACT

To provide for the transfer of certain land in the De Soto National Forest to the Secretary of War for use for military purposes.

July 19, 1940
[S. 4119]
[Public, No. 754]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon request of the Secretary of War, the Secretary of Agriculture is authorized and directed to transfer to the Secretary of War, for military purposes, such tracts of land, not in excess of sixty-five thousand acres, contiguous to the Camp Shelby State Military Reservation, Mississippi, and now included within the limits of the De Soto National Forest, Mississippi, as the Secretary of War may select: *Provided*, That in the event the area transferred pursuant to the provisions of this Act shall cease to be used for military purposes, it shall revert to its former national forest status.

De Soto National
Forest, Miss.
Transfer of land.

Proviso.
Reversionary pro-
vision.

Approved, July 19, 1940.

[CHAPTER 642]

AN ACT

To encourage travel in the United States, and for other purposes.

July 19, 1940
[H. R. 6884]
[Public, No. 755]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed, through the National Park Service, to encourage, promote, and develop travel within the United States, its Territories and possessions, providing such activities do not compete with the activities of private agencies; and to administer all existing travel promotion functions of the Department of the Interior through such Service.

Encouragement of
travel within U. S.

SEC. 2. In carrying out the purposes of this Act, the Secretary is authorized to cooperate with public and private tourist, travel, and other agencies in the display of exhibits, and in the collection, publication, and dissemination of information with respect to places of interest, routes, transportation facilities, accommodations, and such other matters as he deems advisable and advantageous for the purpose of encouraging, promoting, or developing such travel. Nothing in this Act shall prohibit the preparation of graphic materials in foreign languages, designed to call attention to the attractions and places of interest in the United States and to encourage the use of American registered ships and planes. The existing facilities of the United States Government in foreign countries are hereby authorized to assist in the distribution of this material. The Secretary may enter into contracts with private publishers for such printing and binding as he may deem advisable in carrying out the purposes of this Act. The Secretary is also authorized to make charges for any publications made available to the public pursuant to this Act; and any proceeds from the sale of publications produced by the expenditure of contributed funds shall continue to be available for printing and binding as aforesaid.

Cooperation with
tourist, etc., agencies.

Graphic materials
in foreign languages;
distribution.

Printing and bind-
ing.

SEC. 3. The Secretary of the Interior is authorized to create an advisory committee to consist of a representative from each of the Departments of State, Agriculture, and Commerce, the Interstate Commerce Commission, the Civil Aeronautics Authority, and the United States Maritime Commission, as may be designated by such Departments or agencies, respectively, and such additional members, representatives of the various sections of the Nation, including transportation and accommodations agencies, not to exceed six members, to be appointed by the Secretary of the Interior to serve at his pleas-

Advisory commit-
tee.

Meetings.

ure. Meetings of the committee shall be held at the request of the Secretary for the purpose of making recommendations concerning the promotion of tourist travel under the provisions of this Act. The members of the committee shall receive no compensation for their services as members, but shall be entitled to reimbursement for such necessary travel and other expenses in connection with their attendance at committee meetings as may be authorized or approved by the Secretary.

Rules; contributions.

SEC. 4. In the performance of his functions and duties under the provisions of this Act, the Secretary of the Interior is authorized—

(a) To prescribe, amend, and repeal such rules and regulations as he may deem necessary, and to accept contributions for carrying out the purposes of this Act; and

Personnel.
42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.
Appropriation authorized.

(b) To employ without regard to the civil-service laws, but subject to the Classification Act of 1923, as amended, one special assistant and not to exceed five artists and illustrators.

SEC. 5. There is authorized to be appropriated annually not to exceed the sum of \$100,000 to carry out the provisions of this Act.

Approved, July 19, 1940.

[CHAPTER 643]

AN ACT

July 19, 1940
[H. R. 9877]
[Public, No. 756]

Authorizing the Secretary of the Interior to promulgate and to put into effect charges for electrical energy generated at Boulder Dam, providing for the application of revenues from said project, authorizing the operation of the Boulder Power Plant by the United States directly or through agents, and for other purposes.

Boulder Canyon Project Adjustment Act.
Promulgation of charges for electrical energy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to, and he shall, promulgate charges, on the basis of computation thereof, for electrical energy generated at Boulder Dam during the period beginning June 1, 1937, and ending May 31, 1987, computed to be sufficient, together with other net revenues from the project, to accomplish the following purposes:

Purposes.

(a) To meet the cost of operation and maintenance, and to provide for replacements, of the project during the period beginning June 1, 1937, and ending May 31, 1987;

45 Stat. 1057.
43 U. S. C. § 617a (b).

(b) To repay to the Treasury, with interest, the advances to the Colorado River Dam Fund for the project made prior to June 1, 1937, within fifty years from that date (excluding advances allocated to flood control by section 2 (b) of the Project Act, which shall be repayable as provided in section 7 hereof), and such portion of such advances made on and after June 1, 1937, as (on the basis of repayment thereof within such fifty-year period or periods as the Secretary may determine) will be repayable prior to June 1, 1987;

(c) To provide \$600,000 for each of the years and for the purposes specified in section 2 (c) hereof; and

(d) To provide \$500,000 for each of the years and for the purposes specified in section 2 (d) hereof.

Revisions, etc., of charges.

Such charges may be made subject to revisions and adjustments at such times, to such extent, and in such manner, as by the terms of their promulgation the Secretary shall prescribe.

Disposition of receipts; availability.

SEC. 2. All receipts from the project shall be paid into the Colorado River Dam Fund and shall be available for:

Annual appropriation.

(a) Annual appropriation for the operation, maintenance, and replacements of the project, including emergency replacements necessary to insure continuous operations;

(b) Repayment to the Treasury, with interest (after making provision for the payments and transfers provided in subdivisions (c) and (d) hereof), of advances to the Colorado River Dam Fund for the construction of the project (excluding the amount allocated to flood control by section 2 (b) of the Project Act), and any readvances made to said fund under section 5 hereof; and

Repayment of advances, etc.

45 Stat. 1057.
43 U. S. C. § 617a (b).

Payments to Arizona and Nevada.

45 Stat. 1059.
43 U. S. C. § 617c (b).

(c) Payment subject to the provisions of section 3 hereof, in commutation of the payments now provided for the States of Arizona and Nevada in section 4 (b) of the Project Act, to each of said States of the sum of \$300,000 for each year of operation, beginning with the year of operation ending May 31, 1938, and continuing annually thereafter until and including the year of operation ending May 31, 1987, and such payments for any year of operation which shall have expired at the time when this subdivision (c) shall become effective shall be due immediately, and be paid, without interest, as expeditiously as administration of this Act will permit, and each such payment for subsequent years of operation shall be made on or before July 31, following the close of the year of operation for which it is made. All such payments shall be made from revenues hereafter received in the Colorado River Dam Fund.

Deductions from payments for taxes collected.

Notwithstanding the foregoing provisions of this subsection, in the event that there are levied and collected by or under authority of Arizona or Nevada or by any lawful taxing political subdivision thereof, taxes upon—

(i) the project as herein defined;

(ii) the electrical energy generated at Boulder Dam by means of facilities, machinery, or equipment both owned and operated by the United States, or owned by the United States and operated under contract with the United States;

(iii) the privilege of generating or transforming such electrical energy or of use of such facilities, machinery, or equipment or of falling water for such generation or transforming; or

(iv) the transmission or control of such electrical energy so generated or transformed (as distinguished from the transmission lines and other physical properties used for such transmission or control) or the use of such transmission lines or other physical properties for such transmission or control,

payments made hereunder to the State by or under the authority of which such taxes are collected shall be reduced by an amount equivalent to such taxes. Nothing herein shall in anywise impair the right of either the State of Arizona or the State of Nevada, or any lawful taxing political subdivision of either of them, to collect nondiscriminatory taxes upon that portion of the transmission lines and all other physical properties, situated within such State and such political subdivision, respectively, and belonging to any of the lessees and/or allottees under the Project Act and/or under this Act, and nothing herein shall exempt or be construed so as to exempt any such property from nondiscriminatory taxation, all in the manner provided by the constitution and laws of such State. Sums, if any, received by each State under the provisions of the Project Act shall be deducted from the first payment or payments to said State authorized by this Act. Payments under this section 2 (c) shall be deemed contractual obligations of the United States, subject to the provisions of section 3 of this Act.

Right to collect non-discriminatory taxes.

45 Stat. 1057.
43 U. S. C. §§ 617-617t.

Payments deemed contractual obligations of U. S.

(d) Transfer, subject to the provisions of section 3 hereof, from the Colorado River Dam Fund to a special fund in the Treasury, hereby established and designated the "Colorado River Development Fund", of the sum of \$500,000 for the year of operation ending May 31, 1938, and the like sum of \$500,000 for each year of operation

Transfer to Colorado River Development Fund.

Proviso.
Expeditions transfer
in certain cases.

Appropriation of re-
ceipts for designated
purposes authorized.

Terms defined.

45 Stat. 1057.
43 U. S. C. §§ 617-
617t.

Transfers deemed
contractual obliga-
tions of U. S.

Reduction of pay-
ments and transfers.

Effective date of
charges; adjustment
of accounts.

thereafter, until and including the year of operation ending May 31, 1987. The transfer of the said sum of \$500,000 for each year of operation shall be made on or before July 31 next following the close of the year of operation for which it is made: *Provided*, That any such transfer for any year of operation which shall have ended at the time this section 2 (d) shall become effective, shall be made, without interest, from revenues received in the Colorado River Dam Fund, as expeditiously as administration of this Act will permit, and without readvances from the general funds of the Treasury. Receipts of the Colorado River Development Fund for the years of operation ending in 1938, 1939, and 1940 (or in the event of reduced receipts during any of said years, due to adjustments under section 3 hereof, then the first receipts of said fund up to \$1,500,000), are authorized to be appropriated only for the continuation and extension, under the direction of the Secretary, of studies and investigations by the Bureau of Reclamation for the formulation of a comprehensive plan for the utilization of waters of the Colorado River system for irrigation, electrical power, and other purposes, in the States of the upper division and the States of the lower division, including studies of quantity and quality of water and all other relevant factors. The next such receipts up to and including the receipts for the year of operation ending in 1955 are authorized to be appropriated only for the investigation and construction of projects for such utilization in and equitably distributed among the four States of the upper division. Such receipts for the years of operation ending in 1956 to 1987, inclusive, are authorized to be appropriated for the investigation and construction of projects for such utilization in and equitably distributed among the States of the upper division and the States of the lower division. The terms "Colorado River system", "States of the upper division", and "States of the lower division" as so used shall have the respective meanings defined in the Colorado River compact mentioned in the Project Act. Such projects shall be only such as are found by the Secretary to be physically feasible, economically justified, and consistent with such formulation of a comprehensive plan. Nothing in this Act shall be construed so as to prevent the authorization and construction of any such projects prior to the completion of said plan of comprehensive development; nor shall this Act be construed as affecting the right of any State to proceed independently of this Act or its provisions with the investigation or construction of any project or projects. Transfers under this section 2 (d) shall be deemed contractual obligations of the United States, subject to the provisions of section 3 of this Act.

SEC. 3. If, by reason of any act of God, or of the public enemy, or any major catastrophe, or any other unforeseen and unavoidable cause, the revenues, for any year of operation, after making provision for costs of operation, maintenance, and the amount to be set aside for said year for replacements, should be insufficient to make the payments to the States of Arizona and Nevada and the transfers to the Colorado River Development Fund herein provided for, such payments and transfers shall be proportionately reduced, as the Secretary may find to be necessary by reason thereof.

SEC. 4. (a) Upon the taking effect of this Act, pursuant to section 10 hereof, the charges, or the basis of computation thereof, promulgated hereunder, shall be applicable as from June 1, 1937, and adjustments of accounts by reason thereof, including charges by and against the United States, shall be made so that the United States and all parties that have contracted for energy, or for the privilege of generating energy, at the project, shall be placed in the same position, as nearly as may be, as determined by the Secretary, that they

would have occupied had such charges, or the basis of computation thereof, and the method of operation which may be provided for under section 9 hereof, been effective on June 1, 1937: *Provided*, That such adjustments with contractors shall not be made in cash, but shall be made by means of credits extended over such period as the Secretary may determine.

Proviso.
Adjustments with contractors by means of credits.

(b) In the event payments to the States of Arizona and Nevada, or either of them, under section 2 (c) hereof, shall be reduced by reason of the collection of taxes mentioned in said section, adjustments shall be made, from time to time, with each allottee which shall have paid any such taxes, by credits or otherwise, for that proportion of the amount of such reductions which the amount of the payments of such taxes by such allottee bears to the total amount of such taxes collected.

Adjustments with allottees for taxes paid.

SEC. 5. If at any time there shall be insufficient sums in the Colorado River Dam Fund to meet the cost of replacements, however necessitated, in addition to meeting the other requirements of this Act, or of regulations authorized hereby and promulgated by the Secretary, the Secretary of the Treasury, upon request of the Secretary of the Interior, shall readvance to the said fund, in amounts not exceeding, in the aggregate, moneys repaid to the Treasury pursuant to Section 2 (b) hereof, the amount required for replacements, however necessitated, in excess of the amount currently available therefor in said Colorado River Dam Fund. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums, not exceeding said aggregate amount, as may be necessary to permit the Secretary of the Treasury to make such readvances. All such readvances shall bear interest.

Treasury readvances for replacement costs, etc., limitation.

Appropriation authorized.

SEC. 6. Whenever by the terms of the Project Act or this Act payment of interest is provided for, and whenever interest shall enter into any computation thereunder, such interest shall be computed at the rate of 3 per centum per annum, compounded annually.

Interest rate.

SEC. 7. The first \$25,000,000 of advances made to the Colorado River Dam Fund for the project shall be deemed to be the sum allocated to flood control by section 2 (b) of the Project Act and repayment thereof shall be deferred without interest until June 1, 1937, after which time such advances so allocated to flood control shall be repayable to the Treasury as the Congress shall determine.

Deferment of repayment of advances for flood control.
45 Stat. 1057.
43 U. S. C. § 617a(b).

SEC. 8. The Secretary is hereby authorized from time to time to promulgate such regulations and enter into such contracts as he may find necessary or appropriate for carrying out the purposes of this Act and the Project Act, as modified hereby, and, by mutual consent, to terminate or modify any such contract: *Provided, however*, That no allotment of energy to any allottee made by any rule or regulation heretofore promulgated shall be modified or changed without the consent of such allottee.

Regulations and contracts.

Proviso.
Consent of allottee to modification of allotment of energy.

SEC. 9. The Secretary is hereby authorized to negotiate for and enter into a contract for the termination of the existing lease of the Boulder Power Plant made pursuant to the Project Act, and in the event of such termination the operation and maintenance, and the making of replacements, however necessitated, of the Boulder Power Plant by the United States, directly or through such agent or agents as the Secretary may designate, is hereby authorized. The powers, duties, and rights of such agent or agents shall be provided by contract, which may include provision that questions relating to the interpretation or performance thereof may be determined, to the extent provided therein, by arbitration or court proceedings. The Secretary in consideration of such termination of such existing lease is authorized to agree (a) that the lessees therein named shall be

Boulder Power Plant.
Negotiations for termination of existing lease.

Court jurisdiction.

designated as the agents of the United States for the operation of said power plant; (b) that (except by mutual consent or in accordance with such provisions for termination for default as may be specified therein) such agency contract shall not be revocable or terminable; and (c) that suits or proceedings to restrain the termination of any such agency contract, otherwise than as therein provided, or for other appropriate equitable relief or remedies, may be maintained against the Secretary. Suits or other court proceedings pursuant to the foregoing provisions may be maintained in, and jurisdiction to hear and determine such suits or proceedings and to grant such relief or remedies is hereby conferred upon, the District Court of the United States for the District of Columbia, with the like right of appeal or review as in other like suits or proceedings in said court. The Secretary is hereby authorized to act for the United States in such arbitration proceedings.

Effective date of Act.

SEC. 10. This Act shall be effective immediately for the purpose of the promulgation of charges, or the basis of computation thereof, and the execution of contracts authorized by the terms of this Act, but neither such charges, nor the basis of computation thereof, nor any such contract, shall be effective unless and until this Act shall be effective for all purposes. This Act shall take effect for all purposes when, but not before, the Secretary shall have found that provision has been made for the termination of the existing lease of the Boulder Power Plant and for the operation thereof as authorized by section 9 hereof, and that allottees obligated under contracts in force on the date of enactment of this Act to pay for at least 90 per centum of the firm energy shall have entered into contracts (1) consenting to such operation, and (2) containing such other provisions as the Secretary may deem necessary or proper for carrying out the purposes of this Act. For purposes of this section such 90 per centum shall be computed as of the end of the absorption periods provided for in regulations heretofore promulgated by the Secretary and in effect at the time of the enactment of this Act.

Act to become inoperative if specified contracts not entered into.

If contracts in accordance with the requirements of this section shall not have been entered into prior to June 1, 1941, this Act shall cease to be operative and shall be of no further force or effect.

Refusal, etc., of contractor to execute modifying contract, effect.

SEC. 11. Any contractor for energy from the project failing or refusing to execute a contract modifying its existing contract to conform to this Act shall continue to pay the rates and charges provided for in its existing contract, subject to such periodic readjustments as are therein provided, in all respects as if this Act had not been passed, and so far as necessary to support such existing contract all of the provisions of the Project Act shall remain in effect, anything in this Act inconsistent therewith notwithstanding.

45 Stat. 1057.
43 U. S. C. §§ 617-617t.

Definitions.

SEC. 12. The following terms wherever used in this Act shall have the following respective meanings:

"Project Act."

"Project Act" shall mean the Boulder Canyon Project Act;

"Project."

"Project" shall mean the works authorized by the Project Act to be constructed and owned by the United States, exclusive of the main canal and appurtenances mentioned therein, now known as the All-American Canal;

"Secretary."

"Secretary" shall mean the Secretary of the Interior of the United States;

"Firm energy," "allottees."

"Firm energy" and "allottees" shall have the meaning assigned to such terms in regulations heretofore promulgated by the Secretary and in effect at the time of the enactment of this Act;

"Replacements."

"Replacements" shall mean such replacements as may be necessary to keep the project in good operating condition during the period

from June 1, 1937, to May 31, 1987, inclusive, but shall not include (except where used in conjunction with the word "emergency" or the words "however necessitated") replacements made necessary by any act of God, or of the public enemy, or by any major catastrophe; and

"Year of operation" shall mean the period from and including June 1 of any calendar year to and including May 31 of the following calendar year.

SEC. 13. The Secretary of the Interior shall, in January of each year, submit to the Congress a financial statement and a complete report of operations under this Act during the preceding year of operation as herein defined.

SEC. 14. Nothing herein shall be construed as interfering with such rights as the States now have either to the waters within their borders or to adopt such policies and enact such laws as they may deem necessary with respect to the appropriation, control, and use of waters within their borders, except as modified by the Colorado River compact or other interstate agreement. Neither the promulgation of charges, or the basis of charges, nor anything contained in this Act, or done thereunder, shall in anywise affect, limit, or prejudice any right of any State in or to the waters of the Colorado River system under the Colorado River compact. Sections 13 (b), 13 (c), and 13 (d) of the Project Act and all other provisions of said Project Act not inconsistent with the terms of this Act shall remain in full force and effect.

SEC. 15. All laborers and mechanics employed in the construction of any part of the project, or in the operation, maintenance, or replacement of any part of the Boulder Dam, shall be paid not less than the prevailing rate of wages or compensation for work of a similar nature prevailing in the locality of the project. In the event any dispute arises as to what are the prevailing rates, the determination thereof shall be made by the Secretary of the Interior, and his decision, subject to the concurrence of the Secretary of Labor, shall be final.

SEC. 16. This Act may be cited as "Boulder Canyon Project Adjustment Act".

Approved, July 19, 1940.

"Year of operation."

Report, etc., to Congress.

Noninterference with designated State rights, etc.

45 Stat. 1064.
43 U. S. C. § 6172
(b), (c), (d).

Wage rates for laborers, etc.

Short title.

[CHAPTER 644]

AN ACT

To establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes.

July 19, 1940
[H. R. 10100]
[Public, No. 757]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the authorized composition of the United States Navy in under-age vessels as established by the Acts of May 17, 1938 (52 Stat. 401), and June 14, 1940, Public Law Numbered 629, Seventy-sixth Congress, is hereby further increased by one million three hundred and twenty-five thousand tons, as follows:

- (a) Capital ships, three hundred and eighty-five thousand tons;
- (b) Aircraft carriers, two hundred thousand tons;
- (c) Cruisers, four hundred and twenty thousand tons;
- (d) Destroyers, two hundred and fifty thousand tons;
- (e) Submarines, seventy thousand tons: *Provided*, That each of

the foregoing increases in tonnages for capital ships, aircraft carriers, cruisers, destroyers, and submarines may be varied upward

Navy.
Under-age vessels.

34 U. S. C., Supp. V,
§§ 498-498k.
Ante, p. 394.

Proviso.
Variance of tonnage.

or downward in the amount of 30 per centum of the total increased tonnage authorized herein so long as the sum of the total increases in tonnages of these classes as authorized herein is not exceeded.

Construction.
34 U. S. C. §§ 494-497; Supp. V, § 496.

SEC. 2. The President of the United States is hereby authorized to construct such vessels, including replacements authorized by the Act of March 27, 1934 (48 Stat. 503), as may be necessary to provide the total under-age composition authorized in section 1 of this Act.

Appropriations authorized.

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary to effectuate the purposes of this Act, including not to exceed \$150,000,000 for essential equipment and facilities at either private or naval establishments for building or equipping any complete naval vessel or portion thereof herein or heretofore authorized, \$65,000,000 for essential equipment and facilities for the manufacture of ordnance material or munitions at either private or naval establishments, and \$35,000,000 for the expansion of facilities for the production of armor at either private or naval establishments. The authority herein granted for essential equipment and facilities, and for the expansion of facilities, shall include the authority to acquire lands at such locations as the Secretary of the Navy with the approval of the President may deem best suited to the purpose, erect buildings, and acquire the necessary machinery and equipment.

Authority to acquire lands.

SEC. 4. The allocation and contracts for construction of the vessels herein authorized shall be in accordance with the terms and conditions provided by the Act of March 27, 1934 (48 Stat. 503), as amended.

34 U. S. C. §§ 494-497; Supp. V, § 496.

SEC. 5. The President of the United States is hereby further authorized to acquire and convert or to undertake the construction of—

Acquisition of patrol and auxiliary vessels, etc., authorized.

(a) Patrol, escort, and miscellaneous craft at a total cost not to exceed \$50,000,000; and

(b) One hundred thousand tons of auxiliary vessels of such size, type, and design as he may consider best suited for the purposes of national defense.

Aircraft production.
34 U. S. C. § 495.

SEC. 6. The provisions of the Act of March 27, 1934 (48 Stat. 504), requiring not less than 10 per centum of the aircraft, including the engines therefor, procured subsequent to that Act to be constructed or manufactured in Government aircraft factories or other plants or factories owned and operated by the United States Government, shall not operate to curtail procurement so long as production at the said Government plants and factories is maintained at the limit of their capacity as determined by the Secretary of the Navy.

Disposal of vessels, etc., of Navy.

SEC. 7. No vessel, ship, or boat (except ships' boats) now in the United States Navy or being built or hereafter built therefor shall be disposed of by sale or otherwise, or be chartered or scrapped, except as now provided by law.

Acquisition, etc., of naval airplanes and equipment.
Ante, pp. 394, 400.

SEC. 8. The President of the United States is hereby authorized to acquire or construct naval airplanes, and spare parts and equipment, as may be necessary to provide and maintain the number of useful naval airplanes at a total of fifteen thousand: *Provided*, That if, in the judgment of the Secretary of the Navy, the total number of airplanes authorized herein is not sufficient to meet the needs of the national defense, he may, with the approval of the President, make such plans for procurement as the situation may demand.

proviso.
Procurement of additional airplanes.

Approved, July 19, 1940.

[CHAPTER 647]

AN ACT

To provide for the rank and title of lieutenant general of the Regular Army in the military departments of Panama and Hawaii.

July 31, 1940
[S. 3200]
[Public, No. 758]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the rank and title of lieutenant general of the Regular Army", approved August 5, 1939, is hereby amended to include the major generals of the Regular Army specifically assigned by the Secretary of War to command the Panama Canal and Hawaiian Departments.

Approved, July 31, 1940.

Regular Army.
Lt. gen., Panama
and Hawaii.
53 Stat. 1214.
10 U. S. C., Supp.
V, § 482b.

[CHAPTER 648]

JOINT RESOLUTION

Making an additional appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense.

July 31, 1940
[H. J. Res. 583]
[Pub. Res., No. 95]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of \$25,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, as an additional amount to carry out the provisions of the Tennessee Valley Authority Act of 1933, approved May 18, 1933, as amended by the Acts approved August 31, 1935, and July 26, 1939, including the funds necessary to begin construction of a dam on the Holston River near Jefferson City, Tennessee; to begin installation of two additional electric generating units at Wilson Dam, Alabama, and one additional electric generating unit at Pickwick Landing Dam, Tennessee; and to begin construction of steam electric generating facilities with a rated capacity of approximately one hundred and twenty thousand kilowatts in the area served by the Authority; and the acquisition of necessary land, the clearing of such land, relocation of highways, and the construction or purchase of transmission lines and other facilities, and all other necessary works authorized by such Acts, and for printing and binding, lawbooks, books of reference, newspapers, periodicals, purchase, maintenance, and operation of passenger-carrying vehicles, rents in the District of Columbia and elsewhere, and all necessary salaries and expenses connected with the organization, operation, and investigations of the Tennessee Valley Authority, and for examination of estimates of appropriations and activities in the field: *Provided*, That the foregoing appropriation shall be in addition to and shall be covered into and accounted for as a part of the "Tennessee Valley Authority Fund, 1941", as established by the Independent Offices Appropriation Act, 1941: *Provided further*, That purchases may be made by the Authority during the fiscal year 1941 without regard to the provisions of section 3709 of the Revised Statutes and section 9 (b) of the Tennessee Valley Authority Act, as amended, when in the judgment of the Board of Directors of the Authority such a procedure will expedite the completion of projects determined to be essential for national defense purposes by the Advisory Commission of the Council of National Defense: *Provided further*, That the extent and location of the transmission lines provided for herein shall receive the approval of such Commission.

Approved, July 31, 1940.

Tennessee Valley
Authority.
Additional appro-
priation.

48 Stat. 58; 49 Stat.
1073; 53 Stat. 1083.
16 U. S. C. §§ 831-
831cc; Supp. V, §§ 831-
831dd.

Provisos.
Accounting.
Ante, p. 138.

National defense
projects.
Purchases.
41 U. S. C. § 5.
49 Stat. 1080.
16 U. S. C., Supp.
V, § 831h (b).

Transmission lines.

[CHAPTER 649]

AN ACT

To increase the credit resources of Commodity Credit Corporation.

August 9, 1940
[S. 3998]
[Public, No. 759]

Commodity Credit Corporation.
Obligations, aggregate amount.
15 U. S. C., Supp. V, § 713a-4.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved March 8, 1938 (52 Stat. 107), as amended by the Act of March 4, 1939 (53 Stat. 510), be amended as follows: In section 4 delete the figure "\$900,000,000" and insert in lieu thereof the figure "\$1,400,000,000".

Approved, August 9, 1940.

[CHAPTER 650]

AN ACT

To authorize the incorporated town of Sitka, Alaska, to purchase and enlarge certain public utilities and for such purpose to issue bonds in the sum of \$200,000 in excess of present statutory debt limit.

August 9, 1940
[H. R. 9571]
[Public, No. 760]

Sitka, Alaska.
Bond issue for purchase of designated public utilities, authorized.

48 U. S. C., Supp. V, §§ 44a-44c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the incorporated town of Sitka, in the Territory of Alaska, is hereby authorized and empowered to purchase and acquire from Sitka Wharf and Power Company, Incorporated, a corporation organized and existing under laws of the Territory of Alaska, all or any part of the public utilities owned by said corporation and including electric current, light, power, and water utilities, plants and systems, and all or any part of the property, both real and personal, rights, claims, interests, and equities connected therewith, and to reconstruct, extend, and improve the same; and for such purposes to issue bonds in any amount not exceeding \$200,000, the same to be in excess of the present statutory debt limit of said town as provided by the Act entitled "An Act to authorize municipal corporations in the Territory of Alaska to incur bonded indebtedness, and for other purposes", approved May 28, 1936 (49 Stat. 1388); and nothing herein contained shall be so construed as to prevent or preclude the said town from incurring other indebtedness up to but not beyond the limits prescribed by the said Act of May 28, 1936, without regard to the bonded indebtedness herein authorized.

Special election.

SEC. 2. Before said bonds shall be issued a special election shall be ordered by the common council of the said town of Sitka, Alaska, at which election the question of whether such bonds shall be issued in any amount not exceeding \$200,000 for the purposes hereinbefore set forth shall be submitted to the qualified electors of said town of Sitka, Alaska, whose names appear on the last assessment roll of said town for purposes of municipal taxation. The form of the ballot shall be such that the electors may vote for or against the issuance of bonds in any amount not exceeding \$200,000 for the purposes herein specified. Not less than twenty days' notice of such election shall be given to the public by posting notices of same in three conspicuous places within the corporate limits of the town of Sitka, Alaska, one of which shall be at the front door of the United States post office at Sitka, Alaska. The election notice shall state that bonds in any amount not exceeding \$200,000 are proposed to be issued for the purposes herein specified. The registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in

Form of ballot.

Notice of election.

Registration.

said municipality; and such bonds shall be issued for the purposes herein authorized only upon condition that not less than 55 per centum of the votes cast at such election in said municipality shall be in favor of the issuance of said bonds for such purpose.

SEC. 3. The bonds herein authorized shall be coupon in form and shall mature in not to exceed thirty years from the date thereof. Such bonds may bear such date or dates, may be in such denomination or denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable at such place or places, may be sold at either public or private sale, may be nonredeemable or redeemable (either with or without premium), and may carry such registration privileges as to either principal and interest, or principal only, as shall be prescribed by the common council of said town of Sitka. The bonds shall bear the signatures of the mayor and of the clerk of the town of Sitka, and shall have impressed thereon the official seal of said municipality. The coupons to be annexed to such bonds shall bear the facsimile signatures of the mayor and of the clerk of said municipality. In case any of the officers whose signatures or countersignatures appear on the bonds shall cease to be such officers before delivery of such bonds, said signatures or countersignatures, whether manual or facsimile, shall nevertheless be valid and sufficient for all purposes, the same as if said officers had remained in office until such delivery. Said bonds shall bear interest at a rate to be fixed by the common council of the town of Sitka, not to exceed, however, 5 per centum per annum, payable semiannually, and said bonds shall be sold at not less than the principal amount plus accrued interest.

SEC. 4. The bonds herein authorized to be issued shall be general obligations of the said town of Sitka, payable as to both interest and principal from ad valorem taxes which shall be levied upon all of the taxable property within the corporate limits of such municipality in an amount sufficient to pay the interest on and the principal of such bonds as and when the same become due and payable.

SEC. 5. No part of the funds arising from the sale of said bonds shall be used for any purpose or purposes other than those specified in this Act. Said bonds shall be sold only when and in such amounts as the common council of the town of Sitka shall direct; and the proceeds thereof shall be distributed only for the purposes, or any of them, hereinbefore mentioned and under the orders and direction of said common council from time to time as such proceeds may be required for said purposes.

SEC. 6. The said town of Sitka is hereby authorized to enter into contracts with the United States of America or any agency or instrumentality thereof under the provisions of the National Industrial Recovery Act, and Acts amendatory thereof, and Acts supplemental thereto, and revisions thereof, and the regulations made in pursuance thereof, and under any further Acts of the Congress of the United States to encourage public works, for the relief of unemployment, or for any other public purpose for the sale of bonds issued in accordance with the provisions of this Act, or for the acceptance of a grant of money to aid said municipality in financing any public works; or to enter into contracts with any persons or corporations, public or private, for the sale of such bonds; and such contracts may contain such terms and conditions as may be agreed upon by and between the common council of said town of Sitka and the United States of America or any agency or instrumentality thereof, or any such purchaser.

Approved, August 9, 1940.

Issuance of bonds, condition.

Form and maturity of bonds.

Town council to prescribe denominations, etc.

Coupons.

Validity of signatures, etc.

Interest rate.

Sale price.

Bonds to be general obligations of town.

Limitation on use of proceeds from sale of bonds.

Contracts with U.S. agencies for sale of bonds, etc., authorized.

48 Stat. 195.
15 U. S. C., ch. 15;
Supp. V, ch. 15.

Contracts with persons or corporations.

[CHAPTER 651]

AN ACT

August 9, 1940
[H. R. 9828]
[Public, No. 761]

To extend the times for commencing and completing the construction of bridges across the Monongahela River in Allegheny County, Pennsylvania.

Monongahela
River.
Time extended for
bridging, in Allegheny
County, Pa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge in Allegheny County, Pennsylvania, across the Monongahela River at a point suitable to navigation from the Borough of Dravosburg, in Allegheny County, Pennsylvania, to a point at or adjacent to the dividing line between the city of McKeesport, Pennsylvania, and the Borough of Glassport, Pennsylvania, and a bridge across the Monongahela River at a point suitable to navigation from the Borough of Rankin, Pennsylvania, to the Borough of Whitaker, Pennsylvania, construction of which bridges was authorized by an Act of Congress approved July 25, 1939, be, and it is hereby, extended one and three years, respectively, from July 25, 1940.

53 Stat. 1078.

Right reserved.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, August 9, 1940.

[CHAPTER 662]

AN ACT

August 13, 1940
[S. 1114]
[Public, No. 762]

To extend the jurisdiction of the United States District Court, Territory of Hawaii, over the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, Baker Island, Howland Island, and Jarvis Island, and for other purposes.

U. S. District
Court, Territory of
Hawaii.
Civil and criminal
jurisdiction extended.
48 U. S. C. §§ 641-
645; Supp. V. § 646.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the jurisdiction of the United States District Court, Territory of Hawaii, be, and the same is hereby, extended to all civil and criminal cases arising on or within the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, Baker Island, Howland Island, and Jarvis Island. All civil acts and deeds consummated and taking place on any of these islands or in the waters adjacent thereto, and all offenses and crimes committed thereon, or on or in the waters adjacent thereto, shall be deemed to have been consummated or committed on the high seas on board a merchant vessel or other vessel belonging to the United States and shall be adjudicated and determined or adjudged and punished according to the laws of the United States relating to such civil acts or offenses on such ships or vessels on the high seas, which laws for the purpose aforesaid are extended over such islands, rocks, and keys.

Situs for trial.

The situs for the trial of such civil and criminal cases shall be the situs of the United States District Court, Territory of Hawaii.

Appeals.

Appeals in such cases from said district court shall be had and allowed to the Circuit Court of Appeals for the Ninth Judicial Circuit in the same manner as appeals are allowed from district courts to courts of appeal of the United States as provided by law; and the laws of the United States relating to juries and jury trials shall be applicable to the trial of such cases before said district court.

Approved, August 13, 1940.

[CHAPTER 663]

AN ACT

To provide for the operation of the recreational facilities within the Chopawamsic recreational demonstration project, near Dumfries, Virginia, by the Secretary of the Interior through the National Park Service, and for other purposes.

August 13, 1940
[S. 2493]
[Public, No. 763]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the lands comprising the Chopawamsic recreational demonstration project transferred to the Secretary of the Interior by Executive Order Numbered 7496, dated November 14, 1936, shall be administered by the Secretary of the Interior through the National Park Service as part of the park system of the National Capital and its environs.

Chopawamsic recreational demonstration project.

Administration through National Park Service.

SEC. 2. The Director of the National Park Service, under the direction of the Secretary of the Interior, is authorized—

(a) To prescribe and collect fees and charges for such recreational and other facilities, conveniences, and services as may be furnished by the National Park Service for the accommodation of the public within the said area.

Fees.

(b) To enter into a contract or contracts with any reliable person, organization, or corporation, without advertising and without securing competitive bids for the operation or performance of any such recreational or other facilities, conveniences, and services within the said area.

Contracts for operation of facilities, etc.

All revenues collected by the National Park Service, pursuant to the authority of this section, shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

Revenues.

SEC. 3. The director of the National Park Service, under the direction of the Secretary of the Interior, is authorized to exercise and perform with respect to the said area all the powers and duties that are conferred and imposed upon him by law in relation to the construction, maintenance, care, custody, policing, upkeep, and repair of the public buildings and parks in the District of Columbia.

Powers and duties of director, National Park Service.

Approved, August 13, 1940.

[CHAPTER 664]

AN ACT

To provide for more uniform coverage of certain persons employed in coal-mining operations with respect to insurance benefits provided for by certain Federal Acts, and for other purposes.

August 13, 1940
[S. 4070]
[Public, No. 764]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 (a) of the Railroad Retirement Act of 1937, section 1 (a) of the Carriers Taxing Act of 1937, section 1532 (a) of the Internal Revenue Code, and section 1 (a) of the Railroad Unemployment Insurance Act are amended, effective in the case of each such Act as of the date of its enactment, by adding at the end of each such section the following new sentence: "The term 'employer' shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to an employer where delivery is not beyond the mine tippie, and the operation of equipment or facilities therefor, or in any of such activities."

Coal-mining employees.

Exemption from certain laws.

50 Stat. 307, 435; 53 Stat. 181; 52 Stat. 1094.

45 U. S. C., Supp. V, §§ 228a (a), 261 (a); 26

U. S. C., Supp. V, § 1532 (a); 45 U. S. C.,

Supp. V, § 351 (a).

Limitation on term

"employer."

SEC. 2. Section 1 (a) of the Railroad Retirement Act of 1935 and paragraph First of section 1 of the Railway Labor Act, as amended, are amended, effective in the case of each such Act as of the date of its enactment, by adding at the end of each such section and paragraph the following new sentence: "The term 'carrier' shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to a carrier where delivery is

49 Stat. 967; 50 Stat. 307.

45 U. S. C., Supp. V, § 228a (m).

44 Stat. 677.

45 U. S. C. § 151.

Limitation on term

"carrier."

not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities."

SEC. 3. Section 1 (b) of the Railroad Retirement Act of 1937, section 1 (b) of the Carriers Taxing Act of 1937, section 1532 (b) of the Internal Revenue Code, the first paragraph of section 1 (d) of the Railroad Unemployment Insurance Act, section 1 (b) of the Railroad Retirement Act of 1935, and paragraph Fifth of section 1 of the Railway Labor Act, as amended, are amended, in the case of each such Act as of the date of its enactment, by adding at the end of each such section and paragraph the following new paragraph:

"The term 'employee' shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple."

SEC. 4. (a) The laws hereby expressly amended, the Social Security Act, approved August 14, 1935, and all amendments thereto, shall operate as if each amendment herein contained had been enacted as a part of the law it amends, at the time of the original enactment of such law.

(b) No person (as defined in the Carriers Taxing Act of 1937) shall be entitled, by reason of the provisions of this Act, to a refund of, or relief from liability for, any income or excise taxes paid or accrued, pursuant to the provisions of the Carriers Taxing Act of 1937 or subchapter B of chapter 9 of the Internal Revenue Code, prior to the date of the enactment of this Act by reason of employment in the service of any carrier by railroad subject to part I of the Interstate Commerce Act, but any individual who has been employed in such service of any carrier by railroad subject to part I of the Interstate Commerce Act as is excluded by the amendments made by this Act from coverage under the Carriers Taxing Act of 1937 and subchapter B of chapter 9 of the Internal Revenue Code, and who has paid income taxes under the provisions of such Act or subchapter, and any carrier by railroad subject to part I of the Interstate Commerce Act which has paid excise taxes under the provisions of the Carriers Taxing Act of 1937 or subchapter B of chapter 9 of the Internal Revenue Code, may, upon making proper application therefor to the Bureau of Internal Revenue, have the amount of taxes so paid applied in reduction of such tax liability with respect to employment, as may, by reason of the amendments made by this Act, accrue against them under the provisions of title VIII of the Social Security Act or the Federal Insurance Contributions Act (subchapter A of chapter 9 of the Internal Revenue Code).

(c) Nothing contained in this Act shall operate (1) to affect any annuity, pension, or death benefit granted under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, prior to the date of enactment of this Act, or (2) to include any of the services on the basis of which any such annuity or pension was granted, as employment within the meaning of section 210 (b) of the Social Security Act or section 209 (b) of such Act, as amended. In any case in which a death benefit alone has been granted, the amount of such death benefit attributable to services, coverage of which is affected by this Act, shall be deemed to have been paid to the deceased under section 204 of the Social Security Act in effect prior to January 1, 1940, and deductions shall be made from any insurance benefit or benefits payable under the Social Security Act, as amended, with respect to wages paid to an individual for such services until such deductions total the amount of such death benefit attributable to such services.

50 Stat. 308, 436; 53 Stat. 182; 52 Stat. 1094; 49 Stat. 968; 44 Stat. 577.

45 U. S. C., Supp. V, §§ 228a (b), 261 (b); 26 U. S. C., Supp. V, § 1532 (b); 45 U. S. C., Supp. V, §§ 351 (d), 228a (b); 45 U. S. C. § 151.

Limitation on term "employee."

Amendments retroactive.

49 Stat. 620.
42 U. S. C., Supp. V, ch. 7.

Application of taxes paid by designated carriers and employees.

50 Stat. 435.
45 U. S. C., Supp. V, §§ 261-273.
53 Stat. 179.
26 U. S. C., Supp. V, §§ 1500-1537.

24 Stat. 379.
49 U. S. C., ch. 1; Supp. V, ch. 1.

49 Stat. 636; 53 Stat. 175.

42 U. S. C., Supp. V, §§ 1001-1011; 26 U. S. C., Supp. V, §§ 1400-1432.

Prior annuities, etc., granted under Railroad Retirement Acts.
45 U. S. C., Supp. V, §§ 228a-228r.

49 Stat. 625; 53 Stat. 1373.

42 U. S. C., Supp. V, §§ 409 (b), 410.

49 Stat. 624.
42 U. S. C., Supp. V, § 404.
42 U. S. C., Supp. V, ch. 7.

(d) Nothing contained in this Act shall operate to affect the benefit rights of any individual under the Railroad Unemployment Insurance Act for any day of unemployment (as defined in section 1 (k) of such Act) occurring prior to the date of enactment of this Act.

SEC. 5. Any application for payment filed with the Railroad Retirement Board prior to, or within sixty days after, the enactment of this Act shall, under such regulations as the Social Security Board may prescribe, be deemed to be an application filed with the Social Security Board by such individual or by any person claiming any payment with respect to the wages of such individual, under any provision of section 202 of the Social Security Act, as amended.

SEC. 6. Nothing contained in this Act, nor the action of Congress in adopting it, shall be taken or considered as affecting the question of what carriers, companies, or individuals, other than those in this Act specifically provided for, are included in or excluded from the provisions of the various laws to which this Act is an amendment.

SEC. 7. (a) Notwithstanding the provisions of section 1605 (b) of the Internal Revenue Code, no interest shall, during the period February 1, 1940, to the eighty-ninth day after the date of enactment of this Act, inclusive, accrue by reason of delinquency in the payment of the tax imposed by section 1600 with respect to services affected by this Act performed during the period July 1, 1939, to December 31, 1939, inclusive, with respect to which services amounts have been paid as contributions under the Railroad Unemployment Insurance Act prior to the date of enactment of this Act.

(b) Notwithstanding the provisions of section 1601 (a) (3) of the Internal Revenue Code, the credit allowable under section 1601 (a) against the tax imposed by section 1600 for the calendar year 1939 shall not be disallowed or reduced by reason of the payment into a State unemployment fund after January 31, 1940, of contributions with respect to services affected by this Act performed during the period July 1, 1939, to December 31, 1939, inclusive, with respect to which services amounts have been paid as contributions under the Railroad Unemployment Insurance Act prior to the date of enactment of this Act: *Provided*, That this subsection shall be applicable only if the contributions with respect to such services are paid into the State unemployment fund before the ninetieth day after the date of enactment of this Act.

Approved, August 13, 1940.

[CHAPTER 665]

AN ACT

To authorize the construction of certain facilities in Marjorie Park, Davis Island, Tampa, Florida, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Works Administrator be, and he is hereby, authorized to accept on behalf of the United States of America, without cost, title to a tract of land in Marjorie Park, Davis Island, Tampa, Florida, suitable for use for the site of a United States quarantine station.

SEC. 2. There is hereby authorized to be appropriated the sum of \$76,000 to be expended by the Federal Works Administrator for the construction and installation of such buildings, utilities, and appurtenances thereto on the tract of land herein authorized to be acquired to replace the existing United States quarantine station adjoining MacDill Field, Florida.

SEC. 3. Upon completion of the construction above authorized, the Federal Works Administrator is hereby authorized and directed to

Preservation of benefit rights.
52 Stat. 1094.
45 U. S. C., Supp. V, §§ 351-367.
52 Stat. 1095.

Application for payment.
When deemed filed with Social Security Board.

53 Stat. 1363.
42 U. S. C., Supp. V, § 402.

Inapplicability of Act.

Nonaccrual of interest on designated tax.
53 Stat. 186.
26 U. S. C., Supp. V, § 1605 (b).
53 Stat. 1387.
26 U. S. C., Supp. V, § 1600.

52 Stat. 1094.
45 U. S. C., Supp. V, §§ 351-367.
Designated tax credit not to be disallowed, etc.
53 Stat. 1387.
26 U. S. C., Supp. V, §§ 1600, 1601 (a), 1601 (a) (3).

52 Stat. 1094.
45 U. S. C., Supp. V, §§ 351-367.
Proviso.
Condition.

August 13, 1940
[S. 4106]

[Public, No. 765]

Marjorie Park, Davis Island, Tampa, Fla.
Site for U. S. quarantine station.

Appropriation for construction of buildings, etc., authorized.

Transfer of designated land, etc., to Secretary of War.

transfer to the control and jurisdiction of the Secretary of War as an addition to MacDill Field, Florida, or for use for other military purposes, the land and improvements now comprising the United States quarantine station adjoining MacDill Field, Florida.

Approved, August 13, 1940.

[CHAPTER 666]

AN ACT

To amend the Transportation Act, 1920, as amended.

August 13, 1940
[H. R. 10014]
[Public, No. 766]

Transportation Act
of 1920, amendment.
41 Stat. 457, 1145.
49 U. S. C. §§ 72-79.

Sale, extension of
maturity, etc., of des-
ignated securities ac-
quired by U. S.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the Transportation Act, 1920 (41 Stat. 457), as amended, is hereby further amended by adding at the end of that title the following new section:

"Sec. 213. With respect to any bonds, notes, or other securities acquired on behalf of the United States under the provisions of this Act, including, without limitation of the foregoing, any securities acquired as an incident to a bankruptcy, receivership, or reorganization proceeding, or by assignment, transfer, substitution, or issuance, or by purchase, default, or other acquisition (whether at a foreclosure sale or otherwise) of collateral given for the payment of obligations to the United States, the President, or any officer, agent, or agency he may designate, is authorized to sell, exchange, or otherwise dispose of, any such bonds, notes, or other securities, or to enter into arrangements for the extension of the maturity thereof, in such manner, in such amounts, at such prices, for cash, securities or other property, or any combination thereof, and upon such terms and conditions as the President or any officer, agent, or agency so designated may deem advisable and in the public interest."

Approved, August 13, 1940.

[CHAPTER 684]

AN ACT

To amend the Act entitled "An Act for the protection of certain enlisted men of the Army", approved August 19, 1937, and for other purposes.

August 16, 1940
[H. R. 9158]
[Public, No. 767]

Protection of certain
enlisted men of the
Army.

Reenlistment of
aliens.
Extension of time
for perfecting citizen-
ship; conditions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the body of the Act entitled "An Act for the protection of certain enlisted men of the Army", approved August 19, 1937 (50 Stat. 696), be, and the same is hereby, amended to read as follows:

"That, notwithstanding the language contained in the second proviso under the subheading 'Pay, and so forth, of the Army' of the Act of July 1, 1937 (50 Stat. 446), and similar provisos of other Acts heretofore or hereafter enacted, any alien otherwise eligible for enlistment in the Regular Army, who shall have been an enlisted man therein for any period subsequent to June 30, 1937, who shall have made a valid and still effective declaration of intention to become a citizen of the United States, or shall have furnished prima facie evidence of his eligibility for admission to such citizenship without prior formal declaration of intention, and shall have agreed in writing to complete his naturalization without unnecessary delay, shall up to and including June 30, 1943, be deemed eligible (1) if in the service, for continuance therein until expiration of current enlistment, for reenlistment, and for continuance in the service under such reenlistment not later than June 30, 1943; (2) if not in the service, for reenlistment and for continuance in the service under such reenlistment not later than June 30, 1943; and (3) in either case for

receipt while so serving of the pay of his grade and length of prior service: *Provided*, That Filipinos who were serving in the Army on July 1, 1937, may be retained in the service under current enlistments and may be reenlisted without regard to their citizenship status, and may receive their proper pay and allowances under such enlistments and reenlistments.

Proviso.
Reenlistment of
Filipinos.

"SEC. 2. Hereafter, service in the Regular Army honorably terminated shall be credited for purposes of legal residence under the naturalization laws of the United States, regardless of the legality or illegality of the original entry into the United States of the alien, the certificate of the honorable termination of such service or a duly authenticated copy thereof made by a naturalization examiner of the Immigration and Naturalization Service being accepted in lieu of the certificate from the Department of Labor of the alien's arrival in the United States required by the naturalization laws; and service so credited in each case shall be considered as having been performed immediately preceding the filing of the petition for naturalization."

Army service as
legal residence under
naturalization laws.

Approved, August 16, 1940.

[CHAPTER 686]

AN ACT

To provide for the registration and regulation of investment companies and investment advisers, and for other purposes.

August 22, 1940

[H. R. 10065]

[Public, No. 768]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—INVESTMENT COMPANIES

Investment Com-
pany Act of 1940.

FINDINGS AND DECLARATION OF POLICY

SEC. 1. (a) Upon the basis of facts disclosed by the record and reports of the Securities and Exchange Commission made pursuant to section 30 of the Public Utility Holding Company Act of 1935, and facts otherwise disclosed and ascertained, it is hereby found that investment companies are affected with a national public interest in that, among other things—

Findings and dec-
laration of policy.

49 Stat. 837.
15 U. S. C., Supp.
V, § 792-4.

(1) the securities issued by such companies, which constitute a substantial part of all securities publicly offered, are distributed, purchased, paid for, exchanged, transferred, redeemed, and repurchased by use of the mails and means and instrumentalities of interstate commerce, and in the case of the numerous companies which issue redeemable securities this process of distribution and redemption is continuous;

(2) the principal activities of such companies—investing, reinvesting, and trading in securities—are conducted by use of the mails and means and instrumentalities of interstate commerce, including the facilities of national securities exchanges, and constitute a substantial part of all transactions effected in the securities markets of the Nation;

(3) such companies customarily invest and trade in securities issued by, and may dominate and control or otherwise affect the policies and management of, companies engaged in business in interstate commerce;

(4) such companies are media for the investment in the national economy of a substantial part of the national savings and may have a vital effect upon the flow of such savings into the capital markets; and

(5) the activities of such companies, extending over many States, their use of the instrumentalities of interstate commerce and the wide geographic distribution of their security holders, make difficult, if not impossible, effective State regulation of such companies in the interest of investors.

(b) Upon the basis of facts disclosed by the record and reports of the Securities and Exchange Commission made pursuant to section 30 of the Public Utility Holding Company Act of 1935, and facts otherwise disclosed and ascertained, it is hereby declared that the national public interest and the interest of investors are adversely affected—

49 Stat. 837.
15 U. S. C., Supp.
V, § 792-4.

(1) when investors purchase, pay for, exchange, receive dividends upon, vote, refrain from voting, sell, or surrender securities issued by investment companies without adequate, accurate, and explicit information, fairly presented, concerning the character of such securities and the circumstances, policies, and financial responsibility of such companies and their management;

(2) when investment companies are organized, operated, managed, or their portfolio securities are selected, in the interest of directors, officers, investment advisers, depositors, or other affiliated persons thereof, in the interest of underwriters, brokers, or dealers, in the interest of special classes of their security holders, or in the interest of other investment companies or persons engaged in other lines of business, rather than in the interest of all classes of such companies' security holders;

(3) when investment companies issue securities containing inequitable or discriminatory provisions, or fail to protect the preferences and privileges of the holders of their outstanding securities;

(4) when the control of investment companies is unduly concentrated through pyramiding or inequitable methods of control, or is inequitably distributed, or when investment companies are managed by irresponsible persons;

(5) when investment companies, in keeping their accounts, in maintaining reserves, and in computing their earnings and the asset value of their outstanding securities, employ unsound or misleading methods, or are not subjected to adequate independent scrutiny;

(6) when investment companies are reorganized, become inactive, or change the character of their business, or when the control or management thereof is transferred, without the consent of their security holders;

(7) when investment companies by excessive borrowing and the issuance of excessive amounts of senior securities increase unduly the speculative character of their junior securities; or

(8) when investment companies operate without adequate assets or reserves.

It is hereby declared that the policy and purposes of this title, in accordance with which the provisions of this title shall be interpreted, are to mitigate and, so far as is feasible, to eliminate the conditions enumerated in this section which adversely affect the national public interest and the interest of investors.

GENERAL DEFINITIONS

General definitions.

SEC. 2. (a) When used in this title, unless the context otherwise requires—

"Advisory board."

(1) "Advisory board" means a board, whether elected or appointed, which is distinct from the board of directors or board of trustees, of an investment company, and which is composed solely

of persons who do not serve such company in any other capacity, whether or not the functions of such board are such as to render its members "directors" within the definition of that term, which board has advisory functions as to investments but has no power to determine that any security or other investment shall be purchased or sold by such company.

(2) "Affiliated company" means a company which is an affiliated person.

"Affiliated company."

(3) "Affiliated person" of another person means (A) any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; (B) any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person; (C) any person directly or indirectly controlling, controlled by, or under common control with, such other person; (D) any officer, director, partner, copartner, or employee of such other person; (E) if such other person is an investment company, any investment adviser thereof or any member of an advisory board thereof; and (F) if such other person is an unincorporated investment company not having a board of directors, the depositor thereof.

"Affiliated person."

(4) "Assignment" includes any direct or indirect transfer or hypothecation of a contract or chose in action by the assignor, or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor; but does not include an assignment of partnership interests incidental to the death or withdrawal of a minority of the members of the partnership having only a minority interest in the partnership business or to the admission to the partnership of one or more members who, after such admission, shall be only a minority of the members and shall have only a minority interest in the business.

"Assignment."

(5) "Bank" means (A) a banking institution organized under the laws of the United States, (B) a member bank of the Federal Reserve System, (C) any other banking institution or trust company, whether incorporated or not, doing business under the laws of any State or of the United States, a substantial portion of the business of which consists of receiving deposits or exercising fiduciary powers similar to those permitted to national banks under section 11 (k) of the Federal Reserve Act, as amended, and which is supervised and examined by State or Federal authority having supervision over banks, and which is not operated for the purpose of evading the provisions of this title, and (D) a receiver, conservator, or other liquidating agent of any institution or firm included in clauses (A), (B), or (C) of this paragraph.

"Bank."

38 Stat. 262.
12 U. S. C. § 248 (k);
Supp. V, § 248 (k).

(6) "Broker" means any person engaged in the business of effecting transactions in securities for the account of others, but does not include a bank or any person solely by reason of the fact that such person is an underwriter for one or more investment companies.

"Broker."

(7) "Commission" means the Securities and Exchange Commission.

"Commission."

(8) "Company" means a corporation, a partnership, an association, a joint-stock company, a trust, a fund, or any organized group of persons whether incorporated or not; or any receiver, trustee in bankruptcy or similar official or any liquidating agent for any of the foregoing, in his capacity as such.

"Company."

(9) "Control" means the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company.

"Control."

Any person who owns beneficially, either directly or through one or more controlled companies, more than 25 per centum of the voting securities of a company shall be presumed to control such com-

pany. Any person who does not so own more than 25 per centum of the voting securities of any company shall be presumed not to control such company. A natural person shall be presumed not to be a controlled person within the meaning of this title. Any such presumption may be rebutted by evidence, but except as hereinafter provided, shall continue until a determination to the contrary made by the Commission by order either on its own motion or on application by an interested person. If an application filed hereunder is not granted or denied by the Commission within sixty days after filing thereof, the determination sought by the application shall be deemed to have been temporarily granted pending final determination of the Commission thereon. The Commission, upon its own motion or upon application, may by order revoke or modify any order issued under this paragraph whenever it shall find that the determination embraced in such original order is no longer consistent with the facts.

"Convicted."

(10) "Convicted" includes a verdict, judgment, or plea of guilty, or a finding of guilt on a plea of nolo contendere, if such verdict, judgment, plea, or finding has not been reversed, set aside, or withdrawn, whether or not sentence has been imposed.

"Dealer."

(11) "Dealer" means any person regularly engaged in the business of buying and selling securities for his own account, through a broker or otherwise, but does not include a bank, insurance company, or investment company, or any person insofar as he is engaged in investing, reinvesting, or trading in securities, or in owning or holding securities, for his own account, either individually or in some fiduciary capacity, but not as a part of a regular business.

"Director."

(12) "Director" means any director of a corporation or any person performing similar functions with respect to any organization, whether incorporated or unincorporated, including any natural person who is a member of a board of trustees of a management company created as a common-law trust.

"Employees' securities company."

(13) "Employees' securities company" means any investment company or similar issuer all of the outstanding securities of which (other than short-term paper) are beneficially owned (A) by the employees or persons on retainer of a single employer or of two or more employers each of which is an affiliated company of the other, (B) by former employees of such employer or employers, (C) by members of the immediate family of such employees, persons on retainer, or former employees, (D) by any two or more of the foregoing classes of persons, or (E) by such employer or employers together with any one or more of the foregoing classes of persons.

"Exchange."

(14) "Exchange" means any organization, association, or group of persons, whether incorporated or unincorporated, which constitutes, maintains, or provides a market place or facilities for bringing together purchasers and sellers of securities or for otherwise performing with respect to securities the functions commonly performed by a stock exchange as that term is generally understood, and includes the market place and the market facilities maintained by such exchange.

"Face-amount certificate."

(15) "Face-amount certificate" means any certificate, investment contract, or other security which represents an obligation on the part of its issuer to pay a stated or determinable sum or sums at a fixed or determinable date or dates more than twenty-four months after the date of issuance, in consideration of the payment of periodic installments of a stated or determinable amount (which security shall be known as a face-amount certificate of the "installment type"); or any security which represents a similar obligation on the part of a face-amount certificate company, the consideration for which is the

payment of a single lump sum (which security shall be known as a "fully paid" face-amount certificate).

(16) "Government security" means any security issued or guaranteed as to principal or interest by the United States, or by a person controlled or supervised by and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States; or any certificate of deposit for any of the foregoing.

"Government security."

(17) "Insurance company" means a company which is organized as an insurance company, whose primary and predominant business activity is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and which is subject to supervision by the insurance commissioner or a similar official or agency of a State; or any receiver or similar official or any liquidating agent for such a company, in his capacity as such.

"Insurance company."

(18) "Interstate commerce" means trade, commerce, transportation, or communication among the several States, or between any foreign country and any State, or between any State and any place or ship outside thereof.

"Interstate commerce."

(19) "Investment adviser" of an investment company means (A) any person (other than a bona fide officer, director, trustee, member of an advisory board, or employee of such company, as such) who pursuant to contract with such company regularly furnishes advice to such company with respect to the desirability of investing in, purchasing or selling securities or other property, or is empowered to determine what securities or other property shall be purchased or sold by such company, and (B) any other person who pursuant to contract with a person described in clause (A) regularly performs substantially all of the duties undertaken by such person described in clause (A); but does not include (i) a person whose advice is furnished solely through uniform publications distributed to subscribers thereto, (ii) a person who furnishes only statistical and other factual information, advice regarding economic factors and trends, or advice as to occasional transactions in specific securities, but without generally furnishing advice or making recommendations regarding the purchase or sale of securities, (iii) a company furnishing such services at cost to one or more investment companies, insurance companies, or other financial institutions, (iv) any person the character and amount of whose compensation for such services must be approved by a court, or (v) such other persons as the Commission may by rules and regulations or order determine not to be within the intent of this definition.

"Investment adviser."

(20) "Investment banker" means any person engaged in the business of underwriting securities issued by other persons, but does not include an investment company, any person who acts as an underwriter in isolated transactions but not as a part of a regular business, or any person solely by reason of the fact that such person is an underwriter for one or more investment companies.

"Investment banker."

(21) "Issuer" means every person who issues or proposes to issue any security, or has outstanding any security which it has issued.

"Issuer."

(22) "Lend" includes a purchase coupled with an agreement by the vendor to repurchase; "borrow" includes a sale coupled with a similar agreement.

"Lend."

(23) "Majority-owned subsidiary" of a person means a company 50 per centum or more of the outstanding voting securities of which are owned by such person, or by a company which, within the meaning of this paragraph, is a majority-owned subsidiary of such person.

"Majority-owned subsidiary."

(24) "Means or instrumentality of interstate commerce" includes any facility of a national securities exchange.

"Means or instrumentality of interstate commerce."

"National securities exchange."
48 Stat. 885.
15 U. S. C. § 78f.
"Periodic payment plan certificate."

(25) "National securities exchange" means an exchange registered under section 6 of the Securities Exchange Act of 1934.

(26) "Periodic payment plan certificate" means (A) any certificate, investment contract, or other security providing for a series of periodic payments by the holder, and representing an undivided interest in certain specified securities or in a unit or fund of securities purchased wholly or partly with the proceeds of such payments, and (B) any security the issuer of which is also issuing securities of the character described in clause (A) and the holder of which has substantially the same rights and privileges as those which holders of securities of the character described in clause (A) have upon completing the periodic payments for which such securities provide.

"Person."

(27) "Person" means a natural person or a company.

"Principal underwriter."

(28) "Principal underwriter" of or for any investment company other than a closed-end company, or of any security issued by such a company, means any underwriter who as principal purchases from such company, or pursuant to contract has the right (whether absolute or conditional) from time to time to purchase from such company, any such security for distribution, or who as agent for such company sells or has the right to sell any such security to a dealer or to the public or both, but does not include a dealer who purchases from such company through a principal underwriter acting as agent for such company. "Principal underwriter" of or for a closed-end company or any issuer which is not an investment company, or of any security issued by such a company or issuer, means any underwriter who, in connection with a primary distribution of securities, (A) is in privity of contract with the issuer or an affiliated person of the issuer; (B) acting alone or in concert with one or more other persons, initiates or directs the formation of an underwriting syndicate; or (C) is allowed a rate of gross commission, spread, or other profit greater than the rate allowed another underwriter participating in the distribution.

"Promoter."

(29) "Promoter" of a company or a proposed company means a person who, acting alone or in concert with other persons, is initiating or directing, or has within one year initiated or directed, the organization of such company.

"Prospectus."
48 Stat. 77.
15 U. S. C. § 77e (b);
Supp. V, § 77e.

(30) "Prospectus", as used in section 22, means a written prospectus intended to meet the requirements of section 5 (b) of the Securities Act of 1933 and currently in use. As used elsewhere, "prospectus" means a prospectus as defined in the Securities Act of 1933.

15 U. S. C. § 77b
(10).

"Redeemable security."

(31) "Redeemable security" means any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer or to a person designated by the issuer, is entitled (whether absolutely or only out of surplus) to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

"Reorganization."

(32) "Reorganization" means (A) a reorganization under the supervision of a court of competent jurisdiction; (B) a merger or consolidation; (C) a sale of 75 per centum or more in value of the assets of a company; (D) a restatement of the capital of a company, or an exchange of securities issued by a company for any of its own outstanding securities; (E) a voluntary dissolution or liquidation of a company; (F) a recapitalization or other procedure or transaction which has for its purpose the alteration, modification, or elimination of any of the rights, preferences, or privileges of any class of securities issued by a company, as provided in its charter or other instrument creating or defining such rights, preferences, and privileges; (G) an exchange of securities issued by a company for

outstanding securities issued by another company or companies, preliminary to and for the purpose of effecting or consummating any of the foregoing; or (H) any exchange of securities by a company which is not an investment company for securities issued by a registered investment company.

(33) "Sale", "sell", "offer to sell", or "offer for sale" includes every contract of sale or disposition of, attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security, for value. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value.

"Sale," "sell,"
"offer to sell," "offer
for sale."

(34) "Sales load" means the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer (or in the case of a unit investment trust, by the depositor or trustee), less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or administrative expenses or fees which are not properly chargeable to sales or promotional activities. In the case of a periodic payment plan certificate, "sales load" includes the sales load on any investment company securities in which the payments made on such certificate are invested, as well as the sales load on the certificate itself.

"Sales load."

(35) "Security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

"Security."

(36) "Short-term paper" means any note, draft, bill of exchange, or banker's acceptance payable on demand or having a maturity at the time of issuance of not exceeding nine months, exclusive of days of grace, or any renewal thereof payable on demand or having a maturity likewise limited; and such other classes of securities, of a commercial rather than an investment character, as the Commission may designate by rules and regulations.

"Short-term paper."

(37) "State" means any State of the United States, the District of Columbia, Alaska, Hawaii, Puerto Rico, the Philippine Islands, the Canal Zone, the Virgin Islands, or any other possession of the United States.

"State."

(38) "Underwriter" means any person who has purchased from an issuer with a view to, or sells for an issuer in connection with, the distribution of any security, or participates or has a direct or indirect participation in any such undertaking, or participates or has a participation in the direct or indirect underwriting of any such undertaking; but such term shall not include a person whose interest is limited to a commission from an underwriter or dealer not in excess of the usual and customary distributor's or seller's commission. As used in this paragraph the term "issuer" shall include, in addition to an issuer, any person directly or indirectly controlling or controlled by the issuer, or any person under direct or indirect common control with the issuer. When the distribution of the securities in respect of which any person is an underwriter is completed such person shall cease to be an underwriter in respect of such securities or the issuer thereof.

"Underwriter."

"Issuer."

"Value."

(39) "Value", with respect to assets of registered investment companies, except as provided in subsection (b) of section 28 of this title, means—

(A) as used in sections 3, 5, and 12 of this title, (i) with respect to securities owned at the end of the last preceding fiscal quarter for which market quotations are readily available, the market value at the end of such quarter; (ii) with respect to other securities and assets owned at the end of the last preceding fiscal quarter, fair value at the end of such quarter, as determined in good faith by the board of directors; and (iii) with respect to securities and other assets acquired after the end of the last preceding fiscal quarter, the cost thereof; and

(B) as used elsewhere in this title, (i) with respect to securities for which market quotations are readily available, the market value of such securities; and (ii) with respect to other securities and assets, fair value as determined in good faith by the board of directors;

in each case as of such time or times as determined pursuant to this title, and the rules and regulations issued by the Commission hereunder. Notwithstanding the fact that market quotations for securities issued by controlled companies are available, the board of directors may in good faith determine the value of such securities: *Provided*, That the value so determined is not in excess of the higher of market value or asset value of such securities in the case of majority-owned subsidiaries, and is not in excess of market value in the case of other controlled companies.

*Proviso.
Limitation.*

For purposes of the valuation of those assets of a registered diversified company which are not subject to the limitations provided for in section 5 (b) (1), the Commission may, by rules and regulations or orders, permit any security to be carried at cost, if it shall determine that such procedure is consistent with the general intent and purposes of this title. For purposes of sections 5 and 12, in lieu of values determined as provided in clause (A) above, the Commission shall by rules and regulations permit valuation of securities at cost or other basis in cases where it may be more convenient for such company to make its computations on such basis by reason of the necessity or desirability of complying with the provisions of any United States revenue laws or rules and regulations issued thereunder, or the laws or the rules and regulations issued thereunder of any State in which the securities of such company may be qualified for sale.

The foregoing definition shall not derogate from the authority of the Commission with respect to the reports, information, and documents to be filed with the Commission by any registered company, or with respect to the accounting policies and principles to be followed by any such company, as provided in sections 8, 30, and 31.

"Voting security."

(40) "Voting security" means any security presently entitling the owner or holder thereof to vote for the election of directors of a company. A specified percentage of the outstanding voting securities of a company means such amount of its outstanding voting securities as entitles the holder or holders thereof to cast said specified percentage of the aggregate votes which the holders of all the outstanding voting securities of such company are entitled to cast. The vote of a majority of the outstanding voting securities of a company means the vote, at the annual or a special meeting of the security holders of such company duly called, (A) of 67 per centum or more of the voting securities present at such meeting, if the holders of more than 50 per centum of the outstanding voting securities of such company are present or represented by proxy; or (B) of more than 50 per centum of the outstanding voting securities of such company, whichever is the less.

(41) "Wholly-owned subsidiary" of a person means a company 95 per centum or more of the outstanding voting securities of which are owned by such person, or by a company which, within the meaning of this paragraph, is a wholly-owned subsidiary of such person.

"Wholly-owned subsidiary."

(42) "Securities Act of 1933", "Securities Exchange Act of 1934", "Public Utility Holding Company Act of 1935", and "Trust Indenture Act of 1939" mean those Acts, respectively, as heretofore or hereafter amended.

48 Stat. 74, 881; 49 Stat. 803; 53 Stat. 1149.

(b) No provision in this title shall apply to, or be deemed to include, the United States, a State, or any political subdivision of a State, or any agency, authority, or instrumentality of any one or more of the foregoing, or any corporation which is wholly owned directly or indirectly by any one or more of the foregoing, or any officer, agent, or employee of any of the foregoing acting as such in the course of his official duty, unless such provision makes specific reference thereto.

Exemptions.

DEFINITION OF INVESTMENT COMPANY

SEC. 3. (a) When used in this title, "investment company" means any issuer which—

"Investment company" defined.

(1) is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities;

(2) is engaged or proposes to engage in the business of issuing face-amount certificates of the installment type, or has been engaged in such business and has any such certificate outstanding; or

(3) is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

As used in this section, "investment securities" includes all securities except (A) Government securities, (B) securities issued by employees' securities companies, and (C) securities issued by majority-owned subsidiaries of the owner which are not investment companies.

"Investment securities."

(b) Notwithstanding paragraph (3) of subsection (a), none of the following persons is an investment company within the meaning of this title:

Persons not an investment company.

(1) Any issuer primarily engaged, directly or through a wholly-owned subsidiary or subsidiaries, in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities.

(2) Any issuer which the Commission, upon application by such issuer, finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses. The filing of an application under this paragraph by an issuer other than a registered investment company shall exempt the applicant for a period of sixty days from all provisions of this title applicable to investment companies as such. For cause shown, the Commission by order may extend such period of exemption for an additional period or periods. Whenever the Commission, upon its own motion or upon application, finds that the circumstances which gave rise to the issuance of an order granting an application under this paragraph no longer exist, the Commission shall by order revoke such order.

Additional exclu-
sions.

(3) Any issuer all the outstanding securities of which (other than short-term paper and directors' qualifying shares) are directly or indirectly owned by a company excepted from the definition of investment company by paragraph (1) or (2) of this subsection.

(c) Notwithstanding subsections (a) and (b), none of the following persons is an investment company within the meaning of this title:

(1) Any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. For the purposes of this paragraph, beneficial ownership by a company shall be deemed to be beneficial ownership by one person; except that, if such company owns 10 per centum or more of the outstanding voting securities of the issuer, the beneficial ownership shall be deemed to be that of the holders of such company's outstanding securities (other than short-term paper).

(2) Any person primarily engaged in the business of underwriting and distributing securities issued by other persons, selling securities to customers, and acting as broker, or any one or more of such activities, whose gross income normally is derived principally from such business and related activities.

(3) Any bank or insurance company; any savings and loan association, building and loan association, cooperative bank, homestead association, or similar institution, or any receiver, conservator, liquidator, liquidating agent, or similar official or person thereof or therefor; any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank in its capacity as a trustee, executor, administrator, or guardian; or any common trust fund or similar fund, established before the effective date of the Revenue Act of 1936 by a corporation which is supervised or examined by State or Federal authority having supervision over banks, if a majority of the units of beneficial interest in such fund, other than units owned by charitable or educational institutions, are held under instruments providing for payment of income to one or more persons and of principal to another or others.

49 Stat. 1648.

48 Stat. 163.
12 U. S. C. §221a (c);
Supp. V, §221a (c).

(4) Any holding company affiliate, as defined in the Banking Act of 1933, which is under the supervision of the Board of Governors of the Federal Reserve System by reason of the fact that such holding company affiliate holds a general voting permit issued to it by such Board prior to January 1, 1940; and any holding company affiliate which is under such supervision by reason of the fact that it holds a general voting permit thereafter issued to it by the Board of Governors and which is determined by such Board to be primarily engaged, directly or indirectly, in the business of holding the stock of, and managing or controlling, banks, banking associations, savings banks, or trust companies. The Commission shall be given appropriate notice prior to any such determination and shall be entitled to be heard. The definition of the term "control" in section 2 (a) shall not apply to this paragraph.

(5) Any person substantially all of whose business is confined to making small loans, industrial banking, or similar businesses.

(6) Any person who is not engaged in the business of issuing face-amount certificates of the installment type or periodic payment plan certificates, and who is primarily engaged in one or more of the following businesses: (A) Purchasing or otherwise acquiring notes, drafts, acceptances, open accounts receivable, and other obligations

representing part or all of the sales price of merchandise, insurance, and services; (B) making loans to manufacturers, wholesalers, and retailers of, and to prospective purchasers of, specified merchandise, insurance, and services; and (C) purchasing or otherwise acquiring mortgages and other liens on and interests in real estate.

(7) Any company primarily engaged, directly or through majority-owned subsidiaries, in one or more of the businesses described in paragraphs (3), (5), and (6), or in one or more of such businesses (from which not less than 25 per centum of such company's gross income during its last fiscal year was derived) together with an additional business or businesses other than investing, reinvesting, owning, holding, or trading in securities.

(8) Any company 90 per centum or more of the value of whose investment securities are represented by securities of a single issuer included within a class of persons enumerated in paragraph (5), (6), or (7).

(9) Any company subject to regulation under the Interstate Commerce Act, or any company whose entire outstanding capital stock is owned or controlled by such a company: *Provided*, That the assets of the controlled company consist substantially of securities issued by companies which are subject to regulation under the Interstate Commerce Act.

24 Stat. 379.
49 U. S. C., ch. 1;
Supp. V, ch. 1.

(10) Any company with a registration in effect as a holding company under the Public Utility Holding Company Act of 1935.

49 Stat. 803.
15 U. S. C., Supp.
V, §§79-79z-6.

(11) Any person substantially all of whose business consists of owning or holding oil, gas, or other mineral royalties or leases, or fractional interests therein, or certificates of interest or participation in or investment contracts relative to such royalties, leases, or fractional interests.

(12) Any company organized and operated exclusively for religious, educational, benevolent, fraternal, charitable, or reformatory purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(13) Any employees' stock bonus, pension, or profit-sharing trust which meets the conditions of section 165 of the Internal Revenue Code.

53 Stat. 67.
26 U. S. C., Supp.
V, §165.

(14) Any voting trust the assets of which consist exclusively of securities of a single issuer which is not an investment company.

(15) Any security holders' protective committee or similar issuer having outstanding and issuing no securities other than certificates of deposit and short-term paper.

CLASSIFICATION OF INVESTMENT COMPANIES

SEC. 4. For the purposes of this title, investment companies are divided into three principal classes, defined as follows:

(1) "Face-amount certificate company" means an investment company which is engaged or proposes to engage in the business of issuing face-amount certificates of the installment type, or which has been engaged in such business and has any such certificate outstanding.

"Face-amount certificate company."

(2) "Unit investment trust" means an investment company which (A) is organized under a trust indenture, contract of custodianship or agency, or similar instrument, (B) does not have a board of directors, and (C) issues only redeemable securities, each of which represents an undivided interest in a unit of specified securities; but does not include a voting trust.

"Unit investment trust."

(3) "Management company" means any investment company other than a face-amount certificate company or a unit investment trust.

"Management company."

SUBCLASSIFICATION OF MANAGEMENT COMPANIES

SEC. 5. (a) For the purposes of this title, management companies are divided into open-end and closed-end companies, defined as follows:

"Open-end com-
pany."

(1) "Open-end company" means a management company which is offering for sale or has outstanding any redeemable security of which it is the issuer.

"Closed-end com-
pany."

(2) "Close-end company" means any management company other than an open-end company.

(b) Management companies are further divided into diversified companies and non-diversified companies, defined as follows:

"Diversified com-
pany."

(1) "Diversified company" means a management company which meets the following requirements: At least 75 per centum of the value of its total assets is represented by cash and cash items (including receivables), Government securities, securities of other investment companies, and other securities for the purposes of this calculation limited in respect of any one issuer to an amount not greater in value than 5 per centum of the value of the total assets of such management company and to not more than 10 per centum of the outstanding voting securities of such issuer.

"Non-diversified
company."

(2) "Non-diversified company" means any management company other than a diversified company.

Maintenance of sta-
tus as diversified com-
pany.

(c) A registered diversified company which at the time of its qualification as such meets the requirements of paragraph (1) of subsection (b) shall not lose its status as a diversified company because of any subsequent discrepancy between the value of its various investments and the requirements of said paragraph, so long as any such discrepancy existing immediately after its acquisition of any security or other property is neither wholly nor partly the result of such acquisition.

EXEMPTIONS

SEC. 6. (a) The following investment companies are exempt from the provisions of this title:

Companies under
laws of U. S. pos-
sessions.

(1) Any company organized or otherwise created under the laws of and having its principal office and place of business in Alaska, Hawaii, Puerto Rico, the Philippine Islands, the Canal Zone, the Virgin Islands, or any other possession of the United States; but such exemption shall terminate if any security of which such company is the issuer is offered for sale or sold after the effective date of this title, by such company or an underwriter therefor, to a resident of any State other than the State in which such company is organized.

Termination of ex-
emption.

Companies in re-
ceiverships, etc.

(2) Any company for which, in a proceeding in any court of the United States or of a State, a receiver, trustee in bankruptcy, or similar officer had been appointed or elected prior to the effective date of this title, and every such officer so appointed or elected prior to the effective date of this title; but such exemption shall continue only so long as (A) the conduct of such company's business remains subject to the supervision of such court or officer thereof, and (B) such company does not sell exclusively for cash any security of which it is the issuer, except short-term paper and ordinary receiver's or trustee's certificates.

Reorganized com-
panies.

(3) Any company which since the effective date of this title or within five years prior to such date has been reorganized under the supervision of a court of competent jurisdiction, if (A) such company was not an investment company at the commencement of such

reorganization proceedings, (B) at the conclusion of such proceedings all outstanding securities of such company were owned by creditors of such company or by persons to whom such securities were issued on account of creditors' claims, and (C) more than 50 per centum of the voting securities of such company, and securities representing more than 50 per centum of the net asset value of such company, are currently owned beneficially by not more than twenty-five persons; but such exemption shall terminate if any security of which such company is the issuer is offered for sale or sold to the public after the conclusion of such proceedings by the issuer or by or through any underwriter. For the purposes of this paragraph, any new company organized as part of the reorganization shall be deemed the same company as its predecessor; and beneficial ownership shall be determined in the manner provided in section 3 (c) (1).

(4) Any issuer as to which there is outstanding a writing filed with the Commission by the Federal Savings and Loan Insurance Corporation stating that exemption of such issuer from the provisions of this title is consistent with the public interest and the protection of investors and is necessary or appropriate by reason of the fact that such issuer holds or proposes to acquire any assets or any product of any assets which have been segregated (A) from assets of any company which at the filing of such writing is an insured institution within the meaning of section 401 (a) of the National Housing Act, as heretofore or hereafter amended, or (B) as a part of or in connection with any plan for or condition to the insurance of accounts of any company by said corporation or the conversion of any company into a Federal savings and loan association. Any such writing shall expire when canceled by a writing similarly filed or at the expiration of two years after the date of its filing, whichever first occurs; but said corporation may, nevertheless, before, at, or after the expiration of any such writing file another writing or writings with respect to such issuer.

(5) Any company which prior to March 15, 1940, was and now is a wholly-owned subsidiary of a registered face-amount certificate company and was prior to said date and now is organized and operating under the insurance laws of any State and subject to supervision and examination by the insurance commissioner thereof, and which prior to March 15, 1940, was and now is engaged, subject to such laws, in business substantially all of which consists of issuing and selling only to residents of such State and investing the proceeds from, securities providing for or representing participations or interests in intangible assets consisting of mortgages or other liens on real estate or notes or bonds secured thereby or in a fund or deposit of mortgages or other liens on real estate or notes or bonds secured thereby or having outstanding such securities so issued and sold.

(b) Upon application by any employees' security company, the Commission shall by order exempt such company from the provisions of this title and of the rules and regulations hereunder, if and to the extent that such exemption is consistent with the protection of investors. In determining the provisions to which such an order of exemption shall apply, the Commission shall give due weight, among other things, to the form of organization and the capital structure of such company, the persons by whom its voting securities, evidences of indebtedness, and other securities are owned and controlled, the prices at which securities issued by such company are sold and the sales load thereon, the disposition of the proceeds of such sales, the character of the securities in which such proceeds are invested, and any relationship between such company and the issuer of any such security.

Termination of exemption.

New company organized as part of reorganization; status.

Issuers holding assets of insured companies, etc.

48 Stat. 1255.
12 U. S. C. § 1724 (b).

Expiration of writing.

Subsidiaries of face-amount certificate companies operating under State insurance laws.

Employees' security companies.

Provisions for protecting investors.

Other exemptions.

(c) The Commission, by rules and regulations upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title.

Closed-end companies, exemption.

(d) The Commission, by rules and regulations or order, shall exempt a closed-end investment company from any or all provisions of this title, but subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors, if—

(1) the aggregate sums received by such company from the sale of all its outstanding securities, plus the aggregate offering price of all securities of which such company is the issuer and which it proposes to offer for sale, do not exceed \$100,000;

(2) no security of which such company is the issuer has been or is proposed to be sold by such company or any underwriter therefor, in connection with a public offering, to any person who is not a resident of the State under the laws of which such company is organized or otherwise created; and

(3) such exemption is not contrary to the public interest or inconsistent with the protection of investors.

Applicability of provisions of this title to exempt companies.

(e) If, in connection with any rule, regulation, or order under this section exempting any investment company from any provision of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of this title pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

TRANSACTIONS BY UNREGISTERED INVESTMENT COMPANIES

Unregistered investment companies. Activities forbidden.

SEC. 7. (a) No investment company organized or otherwise created under the laws of the United States or of a State and having a board of directors, unless registered under section 8, shall directly or indirectly—

(1) offer for sale, sell, or deliver after sale, by the use of the mails or any means or instrumentality of interstate commerce, any security or any interest in a security, whether the issuer of such security is such investment company or another person; or offer for sale, sell, or deliver after sale any such security or interest, having reason to believe that such security or interest will be made the subject of a public offering by use of the mails or any means or instrumentality of interstate commerce;

(2) purchase, redeem, retire, or otherwise acquire or attempt to acquire, by use of the mails or any means or instrumentality of interstate commerce, any security or any interest in a security, whether the issuer of such security is such investment company or another person;

(3) control any investment company which does any of the acts enumerated in paragraphs (1) and (2);

(4) engage in any business in interstate commerce; or

(5) control any company which is engaged in any business in interstate commerce.

The provisions of this subsection (a) shall not apply to transactions of an investment company which are merely incidental to its dissolution.

(b) No depositor or trustee of or underwriter for any investment company, organized or otherwise created under the laws of the United States or of a State and not having a board of directors, unless such company is registered under section 8 or exempt under section 6, shall directly or indirectly—

Depositors, trustees, or underwriters. Activities forbidden.

(1) offer for sale, sell, or deliver after sale, by use of the mails or any means or instrumentality of interstate commerce, any security or any interest in a security of which such company is the issuer; or offer for sale, sell, or deliver after sale any such security or interest, having reason to believe that such security or interest will be made the subject of a public offering by use of the mails or any means or instrumentality of interstate commerce;

(2) purchase, redeem, or otherwise acquire or attempt to acquire, by use of the mails or any means or instrumentality of interstate commerce, any security or any interest in a security of which such company is the issuer; or

(3) sell or purchase for the account of such company, by use of the mails or any means or instrumentality of interstate commerce, any security or interest in a security, by whomever issued.

The provisions of this subsection (b) shall not apply to transactions which are merely incidental to the dissolution of an investment company.

(c) No promoter of a proposed investment company, and no underwriter for such a promoter, shall make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to offer for sale, sell, or deliver after sale, in connection with a public offering, any preorganization certificate or subscription for such a company.

Promoters of proposed investment companies. Activities forbidden.

(d) No investment company, unless organized or otherwise created under the laws of the United States or of a State, and no depositor or trustee of or underwriter for such a company not so organized or created, shall make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to offer for sale, sell, or deliver after sale, in connection with a public offering, any security of which such company is the issuer. Notwithstanding the provisions of this subsection and of section 8 (a), the Commission is authorized, upon application by an investment company organized or otherwise created under the laws of a foreign country, to issue a conditional or unconditional order permitting such company to register under this title and to make a public offering of its securities by use of the mails and means or instrumentalities of interstate commerce, if the Commission finds that, by reason of special circumstances or arrangements, it is both legally and practically feasible effectively to enforce the provisions of this title against such company and that the issuance of such order is otherwise consistent with the public interest and the protection of investors.

Investment companies not organized, etc., under U. S. or State laws. Activities forbidden.

Registration, etc., permissible in certain cases.

REGISTRATION OF INVESTMENT COMPANIES

SEC. 8. (a) Any investment company organized or otherwise created under the laws of the United States or of a State may register for the purposes of this title by filing with the Commission a notification of registration, in such form as the Commission shall by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors. An investment company shall be deemed to be registered upon receipt by the Commission of such notification of registration.

Filing of notification of registration.

Filing of registration
statement.
Contents.

(b) Every registered investment company shall file with the Commission, within such reasonable time after registration as the Commission shall fix by rules and regulations, an original and such copies of a registration statement, in such form and containing such of the following information and documents as the Commission shall by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors:

(1) a recital of the policy of the registrant in respect of each of the following types of activities, such recital consisting in each case of a statement whether the registrant reserves freedom of action to engage in activities of such type, and if such freedom of action is reserved, a statement briefly indicating, insofar as is practicable, the extent to which the registrant intends to engage therein: (A) the classification and subclassifications, as defined in sections 4 and 5, within which the registrant proposes to operate; (B) borrowing money; (C) the issuance of senior securities; (D) engaging in the business of underwriting securities issued by other persons; (E) concentrating investments in a particular industry or group of industries; (F) the purchase and sale of real estate and commodities, or either of them; (G) making loans to other persons; and (H) portfolio turn-over (including a statement showing the aggregate dollar amount of purchases and sales of portfolio securities, other than Government securities, in each of the last three full fiscal years preceding the filing of such registration statement);

(2) a recital of the policy of the registrant in respect of matters, not enumerated in paragraph (1), which the registrant deems matters of fundamental policy and elects to treat as such;

(3) the name and address of each affiliated person of the registrant; the name and principal address of every company, other than the registrant, of which each such person is an officer, director, or partner; a brief statement of the business experience for the preceding five years of each officer and director of the registrant; and

(4) the information and documents which would be required to be filed in order to register under the Securities Act of 1933 and the Securities Exchange Act of 1934 all securities (other than short-term paper) which the registrant has outstanding or proposes to issue.

(c) The Commission shall make provision, by permissive rules and regulations or order, for the filing of the following, or so much of the following as the Commission may designate, in lieu of the information and documents required pursuant to subsection (b):

(1) copies of the most recent registration statement filed by the registrant under the Securities Act of 1933 and currently effective under such Act, or if the registrant has not filed such a statement, copies of a registration statement filed by the registrant under the Securities Exchange Act of 1934 and currently effective under such Act;

(2) copies of any reports filed by the registrant pursuant to section 13 or 15 (d) of the Securities Exchange Act of 1934; and

(3) a report containing reasonably current information regarding the matters included in copies filed pursuant to paragraphs (1) and (2), and such further information regarding matters not included in such copies as the Commission is authorized to require under subsection (b).

(d) If the registrant is a unit investment trust substantially all of the assets of which are securities issued by another registered investment company, the Commission is authorized to prescribe for the

48 Stat. 74, 881.
15 U. S. C. §§ 77a-77aa, 78a-78jj; Supp. V, §§ 77a-77x, 78c-78jj.

Statements, etc., in lieu of information required.

48 Stat. 78, 892.
15 U. S. C. §§ 77g, 78l.

48 Stat. 894, 895; 49 Stat. 1379.
15 U. S. C. §§ 78m-78o; Supp. V, § 78o.

Inappropriate duplication of information.

registrant, by rules and regulations or order, a registration statement which eliminates inappropriate duplication of information contained in the registration statement filed under this section by such other investment company.

(e) If it appears to the Commission that a registered investment company has failed to file the registration statement required by this section or a report required pursuant to section 30 (a) or (b), or has filed such a registration statement or report but omitted therefrom material facts required to be stated therein, or has filed such a registration statement or report in violation of section 34 (b), the Commission shall notify such company by registered mail of the failure to file such registration statement or report, or of the respects in which such registration statement or report appears to be materially incomplete or misleading, as the case may be, and shall fix a date (in no event earlier than thirty days after the mailing of such notice) prior to which such company may file such registration statement or report or correct the same. If such registration statement or report is not filed or corrected within the time so fixed by the Commission or any extension thereof, the Commission, after appropriate notice and opportunity for hearing, and upon such conditions and with such exemptions as it deems appropriate for the protection of investors, may by order suspend the registration of such company until such statement or report is filed or corrected, or may by order revoke such registration, if the evidence establishes—

Failure to file statement, etc.

Notification.

Suspension.

Revocation.

(1) that such company has failed to file a registration statement required by this section or a report required pursuant to section 30 (a) or (b), or has filed such a registration statement or report but omitted therefrom material facts required to be stated therein, or has filed such a registration statement or report in violation of section 34 (b); and

(2) that such suspension or revocation is in the public interest.

(f) Whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect. If necessary for the protection of investors, an order under this subsection may be made upon appropriate conditions. The Commission's denial of any application under this subsection shall be by order.

Company ceasing to be an investment company.

INELIGIBILITY OF CERTAIN AFFILIATED PERSONS AND UNDERWRITERS

SEC. 9. (a) It shall be unlawful for any of the following persons to serve or act in the capacity of officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company, registered unit investment trust, or registered face-amount certificate company:

Persons deemed ineligible for service with investment companies, etc.

(1) any person who within ten years has been convicted of any felony or misdemeanor involving the purchase or sale of any security or arising out of such person's conduct as an underwriter, broker, dealer, or investment adviser, or as an affiliated person, salesman, or employee of any investment company, bank, or insurance company;

(2) any person who, by reason of any misconduct, is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an underwriter, broker, dealer, or investment adviser, or as an affiliated person, salesman, or employee of any investment company, bank,

or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity or in connection with the purchase or sale of any security; or

(3) a company any affiliated person of which is ineligible, by reason of paragraph (1) or (2), to serve or act in the foregoing capacities.

"Investment adviser."

For the purposes of paragraphs (1), (2), and (3) of this subsection, the term "investment adviser" shall include an investment adviser as defined in title II of this Act.

Application of ineligible person for exemption.

(b) Any person who is ineligible, by reason of subsection (a), to serve or act in the capacities enumerated in that subsection, may file with the Commission an application for an exemption from the provisions of that subsection. The Commission shall by order grant such application, either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of subsection (a), as applied to such person, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

AFFILIATIONS OF DIRECTORS

Board of directors.
Restriction upon affiliations of members.
Investment advisers.

SEC. 10. (a) After one year from the effective date of this title, no registered investment company shall have a board of directors more than 60 per centum of the members of which are persons who are investment advisers of, affiliated persons of an investment adviser of, or officers or employees of, such registered company.

(b) After one year from the effective date of this title, no registered investment company shall—

Regular brokers.

(1) employ as regular broker any director, officer, or employee of such registered company, or any person of which any such director, officer, or employee is an affiliated person, unless a majority of the board of directors of such registered company shall be persons who are not such brokers or affiliated persons of any of such brokers;

Principal underwriters.

(2) use as a principal underwriter of securities issued by it any director, officer, or employee of such registered company or any person of which any such director, officer, or employee is an affiliated person, unless a majority of the board of directors of such registered company shall be persons who are not such principal underwriters or affiliated persons of any of such principal underwriters; or

Investment bankers.

(3) have as director, officer, or employee any investment banker, or any affiliated person of an investment banker, unless a majority of the board of directors of such registered company shall be persons who are not investment bankers or affiliated persons of any investment banker. For the purposes of this paragraph, a person shall not be deemed an affiliated person of an investment banker solely by reason of the fact that he is an affiliated person of a company of the character described in section 12 (d) (3) (A) and (B).

Bank officials.

(c) After the effective date of this title, no registered investment company shall have a majority of its board of directors consisting of persons who are officers or directors of any one bank: *Provided*, That, if on March 15, 1940, any registered investment company shall have had a majority of its directors consisting of persons who are directors, officers, or employees of any one bank, such registered company may continue to have the same percentage of its board of directors consisting of persons who are directors, officers, or employees of such bank.

Proviso.
Exception.

(d) Notwithstanding subsection (a) and subsection (b) (2), a registered investment company may have a board of directors all the members of which, except one, are affiliated persons of the investment adviser of such company, or are officers or employees of such company, if—

Exemption of affiliates of investment advisers.
Specific conditions.

(1) such investment company is an open-end company;

(2) such investment adviser is registered under title II of this Act and such investment adviser is engaged principally in the business of rendering investment supervisory services as defined in title II;

(3) no sales load is charged on securities issued by such investment company;

(4) any premium over net asset value charged by such company upon the issuance of any such security, plus any discount from net asset value charged on redemption thereof, shall not in the aggregate exceed 2 per centum;

(5) no sales or promotion expenses are incurred by such registered company; but expenses incurred in complying with laws regulating the issue or sale of securities shall not be deemed sales or promotion expenses;

(6) such investment adviser is the only investment adviser to such investment company, and such investment adviser does not receive a management fee exceeding 1 per centum per annum of the value of such company's net assets averaged over the year or taken as of a definite date or dates within the year;

(7) all executive salaries and executive expenses and office rent of such investment company are paid by such investment adviser; and

(8) such investment company has only one class of stock outstanding, each share of which has equal voting rights with every other share.

(e) If by reason of the death, disqualification, or bona fide resignation of any director or directors, the requirements of the foregoing provisions of this section in respect of directors shall not be met by a registered investment company, the operation of such provisions shall be suspended as to such registered company for a period of thirty days if the vacancy or vacancies may be filled by action of the board of directors, and for a period of sixty days if a vote of stockholders is required to fill the vacancy or vacancies, or for such longer period as the Commission may prescribe, by rules and regulations upon its own motion or by order upon application, as not inconsistent with the protection of investors.

Filling of vacancies.

(f) No registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an officer, director, member of an advisory board, investment adviser, or employee of such registered company, or is a person (other than a company of the character described in section 12 (d) (3) (A) and (B)) of which any such officer, director, member of an advisory board, investment adviser, or employee is an affiliated person, unless in acquiring such security such registered company is itself acting as a principal underwriter for the issuer. The Commission, by rules and regulations upon its own motion or by order upon application, may conditionally or unconditionally exempt any transaction or classes of transactions from any of the provisions of this subsection, if and to the extent that such exemption is consistent with the protection of investors.

Securities underwritten by affiliates, acquisition restricted.

Exemptions.

(g) In the case of a registered investment company which has an advisory board, such board, as a distinct entity, shall be subject to

Advisory boards.

Unincorporated
management com-
panies.

the same restrictions as to its membership as are imposed upon a board of directors by this section.

(h) In the case of a registered management company which is an unincorporated company not having a board of directors, the provisions of this section shall apply as follows:

(1) the provisions of subsection (a), as modified by subsection (e), shall apply to the board of directors of the depositor of such company;

(2) the provisions of subsections (b) and (c), as modified by subsection (e), shall apply to the board of directors of the depositor and of every investment adviser of such company; and

(3) the provisions of subsection (f) shall apply to purchases and other acquisitions for the account of such company of securities a principal underwriter of which is the depositor or an investment adviser of such company, or an affiliated person of such depositor or investment adviser.

OFFERS OF EXCHANGE

Exchange offers of
open-end companies.

Terms defined.

Plan of reorganiza-
tion and right of con-
version.

Application of pro-
visions.

SEC. 11. (a) It shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission or are in accordance with such rules and regulations as the Commission may have prescribed in respect of such offers which are in effect at the time such offer is made. For the purposes of this section, (A) an offer by a principal underwriter means an offer communicated to holders of securities of a class or series but does not include an offer made by such principal underwriter to an individual investor in the course of a retail business conducted by such principal underwriter, and (B) the net asset value means the net asset value which is in effect for the purpose of determining the price at which the securities, or class or series of securities involved, are offered for sale to the public either (1) at the time of the receipt by the offeror of the acceptance of the offer or (2) at such later times as is specified in the offer.

(b) The provisions of this section shall not apply to any offer made pursuant to (1) any plan of reorganization, which is submitted to and requires the approval of the holders of at least a majority of the outstanding shares of the class or series to which the security owned by the offeree belongs; or (2) the right of conversion, at the option of the holder, from one class or series into another class or series of securities issued by the same company upon such terms as are specified in the charter, certificate of incorporation, articles of association, by-laws, or trust indenture subject to which the securities to be converted were issued or are to be issued.

(c) The provisions of subsection (a) shall be applicable, irrespective of the basis of exchange, (1) to any offer of exchange of any security of a registered open-end company for a security of a registered unit investment trust or registered face-amount certificate company; and (2) to any type of offer of exchange of the securities of registered unit investment trusts or registered face-amount certificate companies for the securities of any other investment company.

FUNCTIONS AND ACTIVITIES OF INVESTMENT COMPANIES

Unlawful activities.

SEC. 12. (a) It shall be unlawful for any registered investment company, in contravention of such rules and regulations or orders as

the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors—

(1) to purchase any security on margin, except such short-term credits as are necessary for the clearance of transactions;

(2) to participate on a joint or a joint and several basis in any trading account in securities, except in connection with an underwriting in which such registered company is a participant; or

(3) to effect a short sale of any security, except in connection with an underwriting in which such registered company is a participant.

(b) It shall be unlawful for any registered open-end company (other than a company complying with the provisions of section 10 (d)) to act as a distributor of securities of which it is the issuer, except through an underwriter, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

Open-end company as distributor of own securities.

(c) It shall be unlawful for any registered diversified company to make any commitment as underwriter, if immediately thereafter the amount of its outstanding underwriting commitments, plus the value of its investments in securities of issuers (other than investment companies) of which it owns more than 10 per centum of the outstanding voting securities, exceeds 25 per centum of the value of its total assets.

Diversified company engaged in underwritings.

(d) It shall be unlawful for any registered investment company and any company or companies controlled by such registered investment company to purchase or otherwise acquire after the enactment of this title any security issued by or any other interest in the business of—

Restrictions on purchase of securities.

(1) any other investment company of which such registered investment company and any company or companies controlled by such registered company shall not at the time of such purchase or acquisition own in the aggregate at least 25 per centum of the total outstanding voting stock, if such registered investment company and any company or companies controlled by it own in the aggregate or as a result of such purchase or acquisition will own in the aggregate more than 5 per centum of the total outstanding voting stock of such other investment company if the policy of such other investment company is the concentration of investments in a particular industry or group of industries, or more than 3 per centum of the total outstanding voting stock of such other investment company if the policy of such other investment company is not the concentration of investments in a particular industry or group of industries, except (A) a security received as a dividend or as a result of an offer of exchange approved pursuant to section 11 or of a plan of reorganization of any company (other than a plan devised for the purpose of evading the foregoing provisions), or (B) a security purchased with the proceeds of payments on periodic payment plan certificates, pursuant to the terms of the trust indenture under which such certificates are issued; or

Investment companies.

(2) any insurance company of which such registered investment company and any company or companies controlled by such registered company shall not at the time of such purchase or acquisition own in the aggregate at least 25 per centum of the total outstanding voting stock, if such registered company and any company or companies controlled by it own in the aggregate or as a result of such purchase or acquisition will own in the aggregate more than 10 per centum of the total outstanding voting stock of such insurance company, except a security received as a dividend or as a result of a plan of reorganization of any company (other than a plan devised for the purpose of evading the foregoing provisions); or

Insurance companies.

Brokers, etc.

(3) any person who is a broker, a dealer, is engaged in the business of underwriting, or is either an investment adviser of an investment company or an investment adviser registered under title II of this Act, unless (A) such person is a corporation all the outstanding securities of which (other than short-term paper, securities representing bank loans and directors' qualifying shares) are, or after such acquisition will be, owned by one or more registered investment companies; and (B) such person is primarily engaged in the business of underwriting and distributing securities issued by other persons, selling securities to customers, or any one or more of such or related activities, and the gross income of such person normally is derived principally from such business or related activities.

Acquisition of certain securities permitted.

(e) Notwithstanding any provisions of this title, any registered investment company may hereafter purchase or otherwise acquire any security issued by any one corporation engaged or proposing to engage in the business of underwriting, furnishing capital to industry, financing promotional enterprises, purchasing securities of issuers for which no ready market is in existence, and reorganizing companies or similar activities; provided—

Conditions.

(1) That the securities issued by such corporation (other than short-term paper and securities representing bank loans) shall consist solely of one class of common stock and shall have been originally issued or sold for investment to registered investment companies only;

(2) That the aggregate cost of the securities of such corporation purchased by such registered investment company does not exceed 5 per centum of the value of the total assets of such registered company at the time of any purchase or acquisition of such securities; and

(3) That the aggregate paid-in capital and surplus of such corporation does not exceed \$100,000,000.

For the purpose of paragraph (1) of section 5 (b) any investment in any such corporation shall be deemed to be an investment in an investment company.

Acquisition of face-amount certificate company stock.

(f) Notwithstanding any provisions of this Act, any registered face-amount certificate company may organize not more than two face-amount certificate companies and acquire and own all or any part of the capital stock only thereof if such stock is acquired and held for investment: *Provided*, That the aggregate cost to such registered company of all such stock so acquired shall not exceed six times the amount of the minimum capital stock requirement provided in subdivision (1) of subsection (a) of section 28 for a face-amount company organized on or after March 15, 1940: *And provided further*, That the aggregate cost to such registered company of all such capital stock issued by face-amount certificate companies organized or otherwise created under laws other than the laws of the United States or any State thereof shall not exceed twice the amount of the minimum capital stock requirement provided in subdivision (1) of subsection (a) of section 28 for a company organized on or after March 15, 1940. Nothing contained in this subsection shall be deemed to prevent the sale of any such stock to any other person if the original purchase was made by such registered face-amount certificate company in good faith for investment and not for resale.

Proviso.
Aggregate cost, limitation.

Sale.

Acquisition of insurance company stock.

(g) Notwithstanding the provisions of this section any registered investment company and any company or companies controlled by such registered company may purchase or otherwise acquire from another investment company or any company or companies controlled by such registered company more than 10 per centum of the

total outstanding voting stock of any insurance company owned by any such company or companies, or may acquire the securities of any insurance company if the Commission by order determines that such acquisition is in the public interest because the financial condition of such insurance company will be improved as a result of such acquisition or any plan contemplated as a result thereof. This section shall not be deemed to prohibit the promotion of a new insurance company or the acquisition of the securities of any newly created insurance company by a registered investment company, alone or with other persons. Nothing contained in this section shall in any way affect or derogate from the powers of any insurance commissioner or similar official or agency of the United States or any State, or to affect the right under State law of any insurance company to acquire securities of any other insurance company or insurance companies.

Promotion of new companies, etc.

Powers of insurance commissioners not hereby affected.

CHANGES IN INVESTMENT POLICY

SEC. 13. (a) No registered investment company shall, unless authorized by the vote of a majority of its outstanding voting securities—

Restriction on changes in investment policy.

(1) change its subclassification as defined in section 5 (a) (1) and (2) of this title or its subclassification from a diversified to a non-diversified company;

(2) borrow money, issue senior securities, underwrite securities issued by other persons, purchase or sell real estate or commodities or make loans to other persons, except in each case in accordance with the recitals of policy contained in its registration statement in respect thereto;

(3) deviate from its policy in respect of concentration of investments in any particular industry or group of industries as recited in its registration statement, or deviate from any fundamental policy recited in its registration statement pursuant to section 8 (b) (2); or

(4) change the nature of its business so as to cease to be an investment company.

(b) In the case of a common-law trust of the character described in subsection (b) of section 16, either written approval by holders of a majority of the outstanding shares of beneficial interest or the vote of a majority of such outstanding shares cast in person or by proxy at a meeting called for the purpose shall for the purposes of subsection (a) be deemed the equivalent of the vote of a majority of the outstanding voting securities, and the provisions of paragraph (40) of section 2 (a) as to a majority shall be applicable to the vote cast at such a meeting.

Common-law trust. Majority vote.

SIZE OF INVESTMENT COMPANIES

SEC. 14. (a) No registered investment company organized after the date of enactment of this title, and no principal underwriter for such a company, shall make a public offering of securities of which such company is the issuer, unless—

Restrictions.

(1) such company has a net worth of at least \$100,000;

(2) such company has previously made a public offering of its securities, and at the time of such offering had a net worth of at least \$100,000; or

(3) provision is made in connection with and as a condition of the registration of such securities under the Securities Act of 1933 which in the opinion of the Commission adequately insures (A) that after the effective date of such registration statement such company will not issue any security or receive any proceeds of any subscription for any security until firm agree-

48 Stat. 74.
15 U. S. C. §§ 77a-
77aa; Supp. V, §§ 77a-
77x.

ments have been made with such company by not more than twenty-five responsible persons to purchase from it securities to be issued by it for an aggregate net amount which plus the then net worth of the company, if any, will equal at least \$100,000; (B) that said aggregate net amount will be paid in to such company before any subscriptions for such securities will be accepted from any persons in excess of twenty-five; (C) that arrangements will be made whereby any proceeds so paid in, as well as any sales load, will be refunded to any subscriber on demand without any deduction, in the event that the net proceeds so received by the company do not result in the company having a net worth of at least \$100,000 within ninety days after such registration statement becomes effective.

At any time after the occurrence of the event specified in clause (C) of paragraph (3) of this subsection the Commission may issue a stop order suspending the effectiveness of the registration statement of such securities under the Securities Act of 1933 and may suspend or revoke the registration of such company under this title.

Investigation and
report.

(b) The Commission is authorized, at such times as it deems that any substantial further increase in size of investment companies creates any problem involving the protection of investors or the public interest, to make a study and investigation of the effects of size on the investment policy of investment companies and on security markets, on concentration of control of wealth and industry, and on companies in which investment companies are interested, and from time to time to report the results of its studies and investigations and its recommendations to the Congress.

INVESTMENT ADVISORY AND UNDERWRITING CONTRACTS

Investment adviser.
Contract require-
ments.

SEC. 15. (a) After one year from the effective date of this title it shall be unlawful for any person to serve or act as investment adviser of a registered investment company, except pursuant to a written contract, which contract, whether with such registered company or with an investment adviser of such registered company, unless in effect prior to March 15, 1940, has been approved by the vote of a majority of the outstanding voting securities of such registered company and—

(1) precisely describes all compensation to be paid thereunder; (2) shall continue in effect for a period more than two years from the date of its execution, only so long as such continuance is specifically approved at least annually by the board of directors or by vote of a majority of the outstanding voting securities of such company;

(3) provides, in substance, that it may be terminated at any time, without the payment of any penalty, by the board of directors of such registered company or by vote of a majority of the outstanding voting securities of such company on not more than sixty days' written notice to the investment adviser; and

(4) provides, in substance, for its automatic termination in the event of its assignment by the investment adviser.

Principal under-
writer.
Contract require-
ments.

(b) After one year from the effective date of this title, it shall be unlawful for any principal underwriter for a registered open-end company to offer for sale, sell, or deliver after sale any security of which such company is the issuer, except pursuant to a written contract with such company, which contract, unless in effect prior to March 15, 1940—

(1) shall continue in effect for a period more than two years from the date of its execution, only so long as such continuance

is specifically approved at least annually by the board of directors or by vote of a majority of the outstanding voting securities of such company; and

(2) provides, in substance, for its automatic termination in the event of its assignment by such underwriter.

(c) In addition to the requirements of subsections (a) and (b) it shall be unlawful for any registered investment company having a board of directors to enter into, renew, or perform any contract or agreement, written or oral, except a written agreement which was in effect prior to March 15, 1940, whereby a person undertakes regularly to serve or act as investment adviser of or principal underwriter for such company, unless the terms of such contract or agreement and any renewal thereof have been approved (1) by a majority of the directors who are not parties to such contract or agreement or affiliated persons of any such party, or (2) by the vote of a majority of the outstanding voting securities of such company.

Additional requirements.

(d) It shall be unlawful for any person—

(1) to serve or act as investment adviser of a registered investment company, pursuant to a written contract which was in effect prior to March 15, 1940, after March 15, 1945, or the date of termination provided for in such contract, whichever is the prior date, or after assignment thereof subsequent to March 15, 1940, by the person acting as investment adviser thereunder; or

Contracts in effect prior to March 15, 1940.
Investment adviser.

(2) as principal underwriter for a registered open-end investment company to offer for sale, sell, or deliver after sale any security of which such company is the issuer, pursuant to a written contract which was in effect prior to March 15, 1940, after March 15, 1945, or the date of termination provided for in such contract, whichever is the prior date, or after assignment thereof subsequent to March 15, 1940, by the person acting as principal underwriter thereunder:

Principal underwriter.

Provided, however, That the limitation to March 15, 1945, shall not apply in either case if prior to that date such contract is renewed in such form that it complies with the requirements of subsection (a) or (b) of this section, as the case may be, and is approved in the manner required by this section in respect of a contract of the same character made after March 15, 1940.

Proviso.
Exception.

(e) In the case of a common-law trust of the character described in subsection (b) of section 16, either written approval by holders of a majority of the outstanding shares of beneficial interest or the vote of a majority of such outstanding shares cast in person or by proxy at a meeting called for the purpose shall for the purposes of this section be deemed the equivalent of the vote of a majority of the outstanding voting securities, and the provisions of paragraph (40) of section 2 (a) as to a majority shall be applicable to the vote cast at such a meeting.

Common-law trust.
Majority vote construed.

(f) Nothing contained in this section shall be deemed to require or contemplate any action by an advisory board of any registered company or by any of the members of such a board.

Exemption.

CHANGES IN BOARD OF DIRECTORS; PROVISIONS RELATIVE TO STRICT TRUSTS

SEC. 16. (a) No person shall serve as a director of a registered investment company unless elected to that office by the holders of the outstanding voting securities of such company, at an annual or a special meeting duly called for that purpose; except that vacancies occurring between such meetings may be filled in any otherwise legal manner if immediately after filling any such vacancy at least two-thirds of the directors then holding office shall have been elected to such office by the holders of the outstanding voting securities of the

Election, etc., requirements.

Vacancies.

Exceptions.	company at such an annual or special meeting. In the event that at any time less than a majority of the directors of such company holding office at that time were so elected by the holders of the outstanding voting securities, the board of directors or proper officer of such company shall forthwith cause to be held as promptly as possible and in any event within sixty days a meeting of such holders for the purpose of electing directors to fill any existing vacancies in the board of directors unless the Commission shall by order extend such period. The foregoing provisions of this subsection shall not apply to members of an advisory board.
Division into classes.	Nothing herein shall, however, preclude a registered investment company from dividing its directors into classes if its charter, certificate of incorporation, articles of association, by-laws, trust indenture, or other instrument or the law under which it is organized, so provides and prescribes the tenure of office of the several classes: <i>Provided</i> , That no class shall be elected for a shorter period than one year or for a longer period than five years and the term of office of at least one class shall expire each year.
Proviso. Tenure.	
Common-law trust, trustees.	(b) The provisions of subsection (a) of this section shall not apply to a common-law trust existing on the date of enactment of this title under an indenture of trust which does not provide for the election of trustees by the shareholders. No natural person shall serve as trustee of such a trust, which is registered as an investment company, after the holders of record of not less than two-thirds of the outstanding shares of beneficial interest in such trust have declared that he be removed from that office either by declaration in writing filed with the custodian of the securities of the trust or by votes cast in person or by proxy at a meeting called for the purpose. Solicitation of such a declaration shall be deemed a solicitation of a proxy within the meaning of section 20 (a).
Disqualification.	The trustees of such a trust shall promptly call a meeting of shareholders for the purpose of voting upon the question of removal of any such trustee or trustees when requested in writing so to do by the record holders of not less than 10 per centum of the outstanding shares.
Removal.	Whenever ten or more shareholders of record who have been such for at least six months preceding the date of application, and who hold in the aggregate either shares having a net asset value of at least \$25,000 or at least 1 per centum of the outstanding shares, whichever is less, shall apply to the trustees in writing, stating that they wish to communicate with other shareholders with a view to obtaining signatures to a request for a meeting pursuant to this subsection (b) and accompanied by a form of communication and request which they wish to transmit, the trustees shall within five business days after receipt of such application either—
Call of meeting.	(1) afford to such applicants access to a list of the names and addresses of all shareholders as recorded on the books of the trust; or
	(2) inform such applicants as to the approximate number of shareholders of record, and the approximate cost of mailing to them the proposed communication and form of request.
Mailing of material to shareholders.	If the trustees elect to follow the course specified in paragraph (2) of this subsection (b) the trustees, upon the written request of such applicants, accompanied by a tender of the material to be mailed and of the reasonable expenses of mailing, shall, with reasonable promptness, mail such material to all shareholders of record at their addresses as recorded on the books, unless within five business days after such tender the trustees shall mail to such applicants and file with the Commission, together with a copy of the material to be

mailed, a written statement signed by at least a majority of the trustees to the effect that in their opinion either such material contains untrue statements of fact or omits to state facts necessary to make the statements contained therein not misleading, or would be in violation of applicable law, and specifying the basis of such opinion.

After opportunity for hearing upon the objections specified in the written statement so filed, the Commission may, and if demanded by the trustees or by such applicants shall, enter an order either sustaining one or more of such objections or refusing to sustain any of them. If the Commission shall enter an order refusing to sustain any of such objections, or if, after the entry of an order sustaining one or more of such objections, the Commission shall find, after notice and opportunity for hearing, that all objections so sustained have been met, and shall enter an order so declaring, the trustees shall mail copies of such material to all shareholders with reasonable promptness after the entry of such order and the renewal of such tender.

Entry of order by Commission.

TRANSACTIONS OF CERTAIN AFFILIATED PERSONS AND UNDERWRITERS

SEC. 17. (a) It shall be unlawful for any affiliated person or promoter of or principal underwriter for a registered investment company (other than a company of the character described in section 12 (d) (3) (A) and (B)), or any affiliated person of such a person, promoter, or principal underwriter, acting as principal—

Unlawful transactions.

(1) knowingly to sell any security or other property to such registered company or to any company controlled by such registered company, unless such sale involves solely (A) securities of which the buyer is the issuer, (B) securities of which the seller is the issuer and which are part of a general offering to the holders of a class of its securities, or (C) securities deposited with the trustee of a unit investment trust or periodic payment plan by the depositor thereof;

(2) knowingly to purchase from such registered company, or from any company controlled by such registered company, any security or other property (except securities of which the seller is the issuer); or

(3) to borrow money or other property from such registered company or from any company controlled by such registered company (unless the borrower is controlled by the lender) except as permitted in section 21 (b).

(b) Notwithstanding subsection (a), any person may file with the Commission an application for an order exempting a proposed transaction of the applicant from one or more provisions of that subsection. The Commission shall grant such application and issue such order of exemption if evidence establishes that—

Exemption, if transaction fair, etc.

(1) the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under this title; and

(3) the proposed transaction is consistent with the general purposes of this title.

(c) Notwithstanding subsection (a), a person may, in the ordinary course of business, sell to or purchase from any company merchandise or may enter into a lessor-lessee relationship with any person and furnish the services incident thereto.

Transactions allowed.

Joint transaction
contravening rules,
etc.

(d) It shall be unlawful for any affiliated person of or principal underwriter for a registered investment company (other than a company of the character described in section 12 (d) (3) (A) and (B)), or any affiliated person of such a person or principal underwriter, acting as principal to effect any transaction in which such registered company, or a company controlled by such registered company, is a joint or a joint and several participant with such person, principal underwriter, or affiliated person, in contravention of such rules and regulations as the Commission may prescribe for the purpose of limiting or preventing participation by such registered or controlled company on a basis different from or less advantageous than that of such other participant. Nothing contained in this subsection shall be deemed to preclude any affiliated person from acting as manager of any underwriting syndicate or other group in which such registered or controlled company is a participant and receiving compensation therefor.

(e) It shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such person—

Agent.
Compensation re-
striction.

(1) acting as agent, to accept from any source any compensation (other than a regular salary or wages from such registered company) for the purchase or sale of any property to or for such registered company or any controlled company thereof, except in the course of such person's business as an underwriter or broker; or

Broker.
Commission, etc.,
restriction.

(2) acting as broker, in connection with the sale of securities to or by such registered company or any controlled company thereof, to receive from any source a commission, fee, or other remuneration for effecting such transaction which exceeds (A) the usual and customary broker's commission if the sale is effected on a securities exchange, or (B) 2 per centum of the sales price if the sale is effected in connection with a secondary distribution of such securities, or (C) 1 per centum of the purchase or sale price of such securities if the sale is otherwise effected unless the Commission shall, by rules and regulations or order in the public interest and consistent with the protection of investors, permit a larger commission.

Custody of securi-
ties, etc.

(f) Every registered management company shall place and maintain its securities and similar investments in the custody of (1) a bank having the qualifications prescribed in paragraph (1) of section 26 (a) for the trustees of unit investment trusts; or (2) a company which is a member of a national securities exchange as defined in the Securities Exchange Act of 1934, subject to such rules and regulations as the Commission may from time to time prescribe for the protection of investors; or (3) such registered company, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Rules, regulations, and orders of the Commission under this subsection, among other things, may make appropriate provision with respect to such matters as the earmarking, segregation, and hypothecation of such securities and investments, and may provide for or require periodic or other inspections by any or all of the following: Independent public accountants, employees and agents of the Commission, and such other persons as the Commission may designate. No such member which trades in securities for its own account may act as custodian except in accordance with rules and regulations prescribed by the Commission for the protection of investors.

48 Stat. 882.
15 U. S. C. § 78c (1).

Earmarking, etc., of
securities.

Inspections.

Custodian, restric-
tion.

Bonding of certain
personnel.

(g) The Commission is authorized to require by rules and regulations or orders for the protection of investors that any officer and

employee of a registered management investment company who may singly, or jointly with others, have access to securities or funds of any registered company, either directly or through authority to draw upon such funds or to direct generally the disposition of such securities, be bonded by a reputable fidelity insurance company against larceny and embezzlement in such reasonable minimum amounts as the Commission may prescribe.

(h) After one year from the effective date of this title, neither the charter, certificate of incorporation, articles of association, indenture of trust, nor the by-laws of any registered investment company, nor any other instrument pursuant to which such a company is organized or administered, shall contain any provision which protects or purports to protect any director or officer of such company against any liability to the company or to its security holders to which he would otherwise be subject by reason of willful misfeasance, bad faith, gross negligence or reckless disregard of the duties involved in the conduct of his office.

Liability of directors, etc., for willful misfeasance.

In the event that any such instrument does not at the effective date of this Act comply with the requirements of this subsection (h) and is not amended to comply therewith prior to the expiration of said one year, such company may nevertheless continue to be a registered investment company and shall not be deemed to violate this subsection if prior to said expiration date each such director or officer shall have filed with the Commission a waiver in writing of any protective provision of the instrument to the extent that it does not comply with this subsection, and each such person subsequently elected or appointed shall before assuming office file a similar waiver.

Exemption.

(i) After one year from the effective date of this title no contract or agreement under which any person undertakes to act as investment adviser of, or principal underwriter for, a registered investment company shall contain any provision which protects or purports to protect such person against any liability to such company or its security holders to which he would otherwise be subject by reason of willful misfeasance, bad faith, or gross negligence, in the performance of his duties, or by reason of his reckless disregard of his obligations and duties under such contract or agreement.

Liability of investment advisers, etc., for willful misfeasance.

In the event that any such contract or agreement does not at the effective date of this Act comply with the requirements of this subsection (i) and is not amended to comply therewith prior to the expiration of said one year, this subsection shall not be deemed to have been violated if prior to said expiration date each such investment adviser or principal underwriter shall have filed with the Commission a waiver in writing of any protective provision of the contract or agreement to the extent that it does not comply with this subsection.

Exemption.

CAPITAL STRUCTURE

SEC. 18. (a) It shall be unlawful for any registered closed-end company to issue any class of senior security, or to sell any such security of which it is the issuer, unless—

Closed-end companies.

(1) if such class of senior security represents an indebtedness—

Restriction on issuance, etc., of senior securities.

(A) immediately after such issuance or sale, it will have an asset coverage of at least 300 per centum;

Exceptions.
If security represents an indebtedness.

(B) provision is made to prohibit the declaration of any dividend (except a dividend payable in stock of the issuer), or the declaration of any other distribution, upon any class of the capital stock of such investment company, or the purchase of any such capital stock, unless, in every such

case, such class of senior securities has at the time of the declaration of any such dividend or distribution or at the time of any such purchase an asset coverage of at least 300 per centum after deducting the amount of such dividend, distribution, or purchase price, as the case may be, except that dividends may be declared upon any preferred stock if such senior security representing indebtedness has an asset coverage of at least 200 per centum at the time of declaration thereof after deducting the amount of such dividend; and

(C) provision is made either—

(i) that, if on the last business day of each of twelve consecutive calendar months such class of senior securities shall have an asset coverage of less than 100 per centum, the holders of such securities voting as a class shall be entitled to elect at least a majority of the members of the board of directors of such registered company, such voting right to continue until such class of senior security shall have an asset coverage of 110 per centum or more on the last business day of each of three consecutive calendar months, or

(ii) that, if on the last business day of each of twenty-four consecutive calendar months such class of senior securities shall have an asset coverage of less than 100 per centum, an event of default shall be deemed to have occurred;

If security is a stock.

(2) if such class of senior security is a stock—

(A) immediately after such issuance or sale it will have an asset coverage of at least 200 per centum;

(B) provision is made to prohibit the declaration of any dividend (except a dividend payable in common stock of the issuer), or the declaration of any other distribution, upon the common stock of such investment company, or the purchase of any such common stock, unless in every such case such class of senior security has at the time of the declaration of any such dividend or distribution or at the time of any such purchase an asset coverage of at least 200 per centum after deducting the amount of such dividend, distribution or purchase price, as the case may be;

(C) provision is made to entitle the holders of such senior securities, voting as a class, to elect at least two directors at all times, and, subject to the prior rights, if any, of the holders of any other class of senior securities outstanding, to elect a majority of the directors if at any time dividends on such class of securities shall be unpaid in an amount equal to two full years' dividends on such securities, and to continue to be so represented until all dividends in arrears shall have been paid or otherwise provided for;

(D) provision is made requiring approval by the vote of a majority of such securities, voting as a class, of any plan of reorganization adversely affecting such securities or of any action requiring a vote of security holders as in section 13 (a) provided; and

(E) such class of stock shall have complete priority over any other class as to distribution of assets and payment of dividends, which dividends shall be cumulative.

Calculation of asset coverage.

(b) The asset coverage in respect of a senior security provided for in subsection (a) may be determined on the basis of values calculated as of a time within forty-eight hours (not including Sundays

or holidays) next preceding the time of such determination. The time of issue or sale shall, in the case of an offering of such securities to existing stockholders of the issuer, be deemed to be the first date on which such offering is made, and in all other cases shall be deemed to be the time as of which a firm commitment to issue or sell and to take or purchase such securities shall be made.

(c) Notwithstanding the provisions of subsection (a) it shall be unlawful for any registered closed-end investment company to issue or sell any senior security representing indebtedness if immediately thereafter such company will have outstanding more than one class of senior security representing indebtedness, or to issue or sell any senior security which is a stock if immediately thereafter such company will have outstanding more than one class of senior security which is a stock, except that (1) any such class of indebtedness or stock may be issued in one or more series: *Provided*, That no such series shall have a preference or priority over any other series upon the distribution of the assets of such registered closed-end company or in respect of the payment of interest or dividends, and (2) promissory notes or other evidences of indebtedness issued in consideration of any loan, extension, or renewal thereof, made by a bank or other person and privately arranged, and not intended to be publicly distributed, shall not be deemed to be a separate class of senior securities representing indebtedness within the meaning of this subsection (c).

(d) It shall be unlawful for any registered management company to issue any warrant or right to subscribe to or purchase a security of which such company is the issuer, except in the form of warrants or rights to subscribe expiring not later than one hundred and twenty days after their issuance and issued exclusively and ratably to a class or classes of such company's security holders; except that any warrant may be issued in exchange for outstanding warrants in connection with a plan of reorganization.

(e) The provisions of this section 18 shall not apply to any senior securities issued or sold by any registered closed-end company—

(1) pursuant to any firm contract to purchase or sell entered into prior to March 15, 1940;

(2) for the purpose of refunding through payment, purchase, redemption, retirement, or exchange, any senior security of such registered investment company except that no senior security representing indebtedness shall be so issued or sold for the purpose of refunding any senior security which is a stock; or

(3) pursuant to any plan of reorganization (other than for refunding as referred to in subsection (e) (2)), provided—

(A) that such senior securities are issued or sold for the purpose of substituting or exchanging such senior securities for outstanding senior securities, and if such senior securities represent indebtedness they are issued or sold for the purpose of substituting or exchanging such senior securities for outstanding senior securities representing indebtedness, of any registered investment company which is a party to such plan of reorganization; or

(B) that the total amount of such senior securities so issued or sold pursuant to such plan does not exceed the total amount of senior securities of all the companies which are parties to such plan, and the total amount of senior securities representing indebtedness so issued or sold pursuant to such plan does not exceed the total amount of senior securities representing indebtedness of all such companies, or, alternatively, the total amount of such senior securities so issued or sold pursuant to such plan does not have the

Limitation on
issuance of designated
securities.

Proviso.
No preferential
series.

Issuance of warrant
to purchase, etc., se-
curity.

Nonapplication of
provisions.

Contracts prior to
March 15, 1940.

Refunding.

Reorganization.

effect of increasing the ratio of senior securities representing indebtedness to the securities representing stock or the ratio of senior securities representing stock to securities junior thereto when compared with such ratios as they existed before such reorganization.

Issuance or sale of senior securities by open-end companies.

Provisos.
Asset coverage of borrowings.

Exclusion of certain preferred, etc., stock.

Proviso.
Outstanding classes of stock.

"Senior security" and "senior security representing indebtedness" defined

Exclusions.

Temporary loans.

"Asset coverage."

(f) (1) It shall be unlawful for any registered open-end company to issue any class of senior security or to sell any senior security of which it is the issuer, except that any such registered company shall be permitted to borrow from any bank: *Provided*, That immediately after any such borrowing there is an asset coverage of at least 300 per centum for all borrowings of such registered company: *And provided further*, That in the event that such asset coverage shall at any time fall below 300 per centum such registered company shall, within three days thereafter (not including Sundays and holidays) or such longer period as the Commission may prescribe by rules and regulations, reduce the amount of its borrowings to an extent that the asset coverage of such borrowings shall be at least 300 per centum.

(2) "Senior security" shall not, in the case of a registered open-end company include a class or classes or a number of series of preferred or special stock each of which is preferred over all other classes or series in respect of assets specifically allocated to that class or series: *Provided*, (A) That such company has outstanding no class or series of stock which is not so preferred over all other classes or series; or (B) that the only other outstanding class of the issuer's stock consists of a common stock upon which no dividend (other than a liquidating dividend) is permitted to be paid and which in the aggregate represents not more than one-half of 1 per centum of the issuer's outstanding voting securities.

(g) Unless otherwise provided: "Senior security" means any bond, debenture, note, or similar obligation or instrument constituting a security and evidencing indebtedness, and any stock of a class having priority over any other class as to distribution of assets or payment of dividends; and "senior security representing indebtedness" means any senior security other than stock.

The term "senior security", when used in subparagraphs (B) and (C) of paragraph (1) of subsection (a), shall not include any promissory note or other evidence of indebtedness issued in consideration of any loan, extension, or renewal thereof, made by a bank or other person and privately arranged, and not intended to be publicly distributed; nor shall such term, when used in this section 18, include any such promissory note or other evidence of indebtedness in any case where such a loan is for temporary purposes only and in an amount not exceeding 5 per centum of the value of the total assets of the issuer at the time when the loan is made. A loan shall be presumed to be for temporary purposes if it is repaid within sixty days and is not extended or renewed; otherwise it shall be presumed not to be for temporary purposes. Any such presumption may be rebutted by evidence.

(h) "Asset coverage" of a class of senior security representing an indebtedness of an issuer means the ratio which the value of the total assets of such issuer, less all liabilities and indebtedness not represented by senior securities, bears to the aggregate amount of senior securities representing indebtedness of such issuer. "Asset coverage" of a class of senior security of an issuer which is a stock means the ratio which the value of the total assets of such issuer, less all liabilities and indebtedness not represented by senior securities, bears to the aggregate amount of senior securities representing indebtedness of such issuer plus the aggregate of the involuntary liquidation preference of

such class of senior security which is a stock. The involuntary liquidation preference of a class of senior security which is a stock shall be deemed to mean the amount to which such class of senior security would be entitled on involuntary liquidation of the issuer in preference to a security junior to it.

Involuntary liquidation preference.

(i) Except as provided in subsection (a) of this section, or as otherwise required by law, every share of stock hereafter issued by a registered management company (except a common-law trust of the character described in section 16 (b)) shall be a voting stock and have equal voting rights with every other outstanding voting stock: *Provided*, That this subsection shall not apply to shares issued pursuant to the terms of any warrant or subscription right outstanding on March 15, 1940, or any firm contract entered into before March 15, 1940, to purchase such securities from such company nor to shares issued in accordance with any rules, regulations, or orders which the Commission may make permitting such issue.

Each share a voting stock, etc.

Proviso.
Inapplicable to designated shares.

(j) Notwithstanding any provision of this title, it shall be unlawful, after the date of enactment of this title, for any registered face-amount certificate company—

Registered face-amount certificate company.
Unlawful acts.

Issuance of certain securities.

(1) to issue, except in accordance with such rules, regulations, or orders as the Commission may prescribe in the public interest or as necessary or appropriate for the protection of investors, any security other than (A) a face-amount certificate; (B) a common stock having a par value and being without preference as to dividends or distributions and having at least equal voting rights with any outstanding security of such company; or (C) short-term payment or promissory notes or other indebtedness issued in consideration of any loan, extension, or renewal thereof, made by a bank or other person and privately arranged and not intended to be publicly offered;

(2) if such company has outstanding any security, other than such face-amount certificates, common stock, promissory notes, or other evidence of indebtedness, to make any distribution or declare or pay any dividend on any capital security in contravention of such rules and regulations or orders as the Commission may prescribe in the public interest or as necessary or appropriate for the protection of investors or to insure the financial integrity of such company, to prevent the impairment of the company's ability to meet its obligations upon its face-amount certificates; or

Distribution, etc.

(3) to issue any of its securities except for cash or securities including securities of which such company is the issuer.

Payment.

DIVIDENDS

SEC. 19. It shall be unlawful for any registered investment company to pay any dividend, or to make any distribution in the nature of a dividend payment, wholly or partly from any source other than—

Restriction on payment of dividends, etc.

(1) such company's accumulated undistributed net income, determined in accordance with good accounting practice and not including profits or losses realized upon the sale of securities or other properties; or

(2) such company's net income so determined for the current or preceding fiscal year;

unless such payment is accompanied by a written statement which adequately discloses the source or sources of such payment. The Commission may prescribe the form of such statement by rules and regulations in the public interest and for the protection of investors.

Exception.

PROXIES; VOTING TRUSTS; CIRCULAR OWNERSHIP

Solicitation of proxies,
etc.

SEC. 20. (a) It shall be unlawful for any person, by use of the mails or any means or instrumentality of interstate commerce or otherwise, to solicit or to permit the use of his name to solicit any proxy or consent or authorization in respect of any security of which a registered investment company is the issuer in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

Voting-trust certificate.

(b) It shall be unlawful for any registered investment company or affiliated person thereof, any issuer of a voting-trust certificate relating to any security of a registered investment company, or any underwriter of such a certificate, by use of the mails or any means or instrumentality of interstate commerce, or otherwise, to offer for sale, sell, or deliver after sale, in connection with a public offering, any such voting-trust certificate. The prohibitions of this subsection shall not apply to a class of voting-trust certificates, if any certificate of such class was made the subject of a public offering by the issuer or by or through an underwriter prior to March 15, 1940.

Cross or circular
ownership of voting
security.

(c) No registered investment company shall purchase any voting security if, to the knowledge of such registered company, cross-ownership or circular ownership exists, or after such acquisition will exist, between such registered company and the issuer of such security. Cross-ownership shall be deemed to exist between two companies when each of such companies beneficially owns more than 3 per centum of the outstanding voting securities of the other company. Circular ownership shall be deemed to exist between two companies if such companies are included within a group of three or more companies, each of which—

(1) beneficially owns more than 3 per centum of the outstanding voting securities of one or more other companies of the group; and

(2) has more than 3 per centum of its own outstanding voting securities beneficially owned by another company, or by each of two or more other companies, of the group.

Eliminations.

(d) If on the effective date of this title cross-ownership or circular ownership exists between a registered investment company and any other company or companies, it shall be the duty of such registered company, within five years after such effective date, to eliminate such cross-ownership or circular ownership. If at any time after the effective date of this title cross-ownership or circular ownership between a registered investment company and any other company or companies comes into existence upon the purchase by a registered investment company of the securities of another company, it shall be the duty of such registered company, within one year after it first knows of the existence of such cross-ownership or circular ownership, to eliminate the same.

LOANS

Unlawful loans.

SEC. 21. It shall be unlawful for any registered management company to lend money or property to any person, directly or indirectly, if—

(a) the investment policies of such registered company, as recited in its registration statement and reports filed under this title, do not permit such a loan; or

(b) such person controls or is under common control with such registered company; except that the provisions of this paragraph shall not apply to the extension or renewal of any such loan made prior to March 15, 1940, or to any loan from a reg-

istered company to a company which owns all of the outstanding securities of such registered company, except directors' qualifying shares.

DISTRIBUTION, REDEMPTION, AND REPURCHASE OF REDEEMABLE
SECURITIES

SEC. 22. (a) A securities association registered under section 15A of the Securities Exchange Act of 1934 may prescribe, by rules adopted and in effect in accordance with said section and subject to all provisions of said section applicable to the rules of such an association—

(1) a method or methods for computing the minimum price at which a member thereof may purchase from any investment company any redeemable security issued by such company and the maximum price at which a member may sell to such company any redeemable security issued by it or which he may receive for such security upon redemption, so that the price in each case will bear such relation to the current net asset value of such security computed as of such time as the rules may prescribe; and

(2) a minimum period of time which must elapse after the sale or issue of such security before any resale to such company by a member or its redemption upon surrender by a member;

in each case for the purpose of eliminating or reducing so far as reasonably practicable any dilution of the value of other outstanding securities of such company or any other result of such purchase, redemption, or sale which is unfair to holders of such other outstanding securities; and said rules may prohibit the members of the association from purchasing, selling, or surrendering for redemption any such redeemable securities in contravention of said rules.

(b) Such a securities association may also, by rules adopted and in effect in accordance with said section 15A, and subject to all provisions of said section applicable to the rules of such an association, prohibit its members from purchasing, in connection with a primary distribution of redeemable securities of which any registered investment company is the issuer, any such security from the issuer or from any principal underwriter except at a price equal to the price at which such security is then offered to the public less a commission, discount, or spread which is computed in conformity with a method or methods, and within such limitations as to the relation thereof to said public offering price as such rules may prescribe, in order that the price at which such security is offered or sold to the public shall not include an unconscionable or grossly excessive sales load.

(c) After one year from the effective date of this Act, the Commission may make rules and regulations applicable to principal underwriters of, and dealers in, the redeemable securities of any registered investment company, whether or not members of any registered securities association, to the same extent, covering the same subject matter and for the accomplishment of the same ends as are prescribed in subsections (a) and (b) of this section in respect of the rules which may be made by a registered securities association governing its members; and any rules and regulations so made by the Commission, to the extent that they may be inconsistent with the rules of any such association, shall so long as they remain in force supersede the rules of the association and be binding upon its members as well as all other underwriters and dealers to whom they may be applicable.

Securities association.
Rules for purchase, etc., of securities.
52 Stat. 1070.
15 U. S. C., Supp. V, § 786-3.

Minimum and maximum price.

Resale, etc.

Protection against dilution, etc.

Purchase of certain securities by members, restriction.

Commission to make applicable rules.

Sales restriction.

Proviso.
Exception.

Suspension of right
of redemption, etc.

Exceptions.

Rules for determi-
nation of restricted
trading and emer-
gency.

Exemption.

Transferability,
etc., of certain secu-
rities.

Issuance of secu-
rities for services, etc.

(d) No registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter or the issuer, except at a current public offering price described in the prospectus: *Provided, however,* That nothing in this subsection shall prevent a sale made (i) pursuant to an offer of exchange permitted by section 11 hereof including any offer made pursuant to clause (1) or (2) of section 11 (b); (ii) pursuant to an offer made solely to all registered holders of the securities, or of a particular class or series of securities issued by the company proportionate to their holdings or proportionate to any cash distribution made to them by the company (subject to appropriate qualifications designed solely to avoid issuance of fractional securities); or (iii) in accordance with rules and regulations of the Commission made pursuant to subsection (b) of section 12.

(e) No registered investment company shall suspend the right of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security to the company or its agent designated for that purpose for redemption except—

(1) for any period (A) during which the New York Stock Exchange is closed other than customary week-end and holiday closings or (B) during which trading on the New York Stock Exchange is restricted;

(2) for any period during which an emergency exists as a result of which (A) disposal by the company of securities owned by it is not reasonably practicable or (B) it is not reasonably practicable for such company fairly to determine the value of its net assets; or

(3) for such other periods as the Commission may by order permit for the protection of security holders of the company.

The Commission shall by rules and regulations determine the conditions under which (i) trading shall be deemed to be restricted and (ii) an emergency shall be deemed to exist within the meaning of this subsection. Any company which, as of March 15, 1940, was required by provision of its charter, certificate of incorporation, articles of association, or trust indenture, or of a bylaw or regulation duly adopted thereunder, to postpone the date of payment or satisfaction upon redemption of redeemable securities issued by it, shall be exempt from the requirements of this subsection; but such exemption shall terminate upon the expiration of one year from the effective date of this title, or upon the repeal or amendment of such provision, or upon the sale by such company after March 15, 1940, of any security (other than short-term paper) of which it is the issuer, whichever first occurs.

(f) No registered open-end company shall restrict the transferability or negotiability of any security of which it is the issuer except in conformity with the statements with respect thereto contained in its registration statement nor in contravention of such rules and regulations as the Commission may prescribe in the interests of the holders of all of the outstanding securities of such investment company.

(g) No registered open-end company shall issue any of its securities (1) for services; or (2) for property other than cash or securities (including securities of which such registered company is the issuer),

except as a dividend or distribution to its security holders or in connection with a reorganization.

DISTRIBUTION AND REPURCHASE OF SECURITIES: CLOSED-END COMPANIES

SEC. 23. (a) No registered closed-end company shall issue any of its securities (1) for services; or (2) for property other than cash or securities (including securities of which such registered company is the issuer), except as a dividend or distribution to its security holders or in connection with a reorganization.

Restriction on issue.

(b) No registered closed-end company shall sell any common stock of which it is the issuer at a price below the current net asset value of such stock, exclusive of any distributing commission or discount (which net asset value shall be determined as of a time within forty-eight hours, excluding Sundays and holidays, next preceding the time of such determination), except (1) in connection with an offering to the holders of one or more classes of its capital stock; (2) with the consent of a majority of its common stockholders; (3) upon conversion of a convertible security in accordance with its terms; (4) upon the exercise of any warrant outstanding on the date of enactment of this Act or issued in accordance with the provisions of section 18 (d); or (5) under such other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors.

Sale below current net asset value.

Exceptions.

(c) No registered closed-end company shall purchase any securities of any class of which it is the issuer except—

Purchase, etc., of its own securities.

(1) on a securities exchange or such other open market as the Commission may designate by rules and regulations or orders: *Provided*, That if such securities are stock, such registered company shall, within the preceding six months, have informed stockholders of its intention to purchase stock of such class by letter or report addressed to stockholders of such class; or

Proviso.
Where securities are stock.

(2) pursuant to tenders, after reasonable opportunity to submit tenders given to all holders of securities of the class to be purchased; or

(3) under such other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors in order to insure that such purchases are made in a manner or on a basis which does not unfairly discriminate against any holders of the class or classes of securities to be purchased.

REGISTRATION OF SECURITIES UNDER SECURITIES ACT OF 1933

SEC. 24. (a) In registering under the Securities Act of 1933 any security of which it is the issuer, a registered investment company, in lieu of furnishing a registration statement containing the information and documents specified in schedule A of said Act, may file a registration statement containing the following information and documents:

Registration statement.
48 Stat. 74.
15 U. S. C. §§ 77a-77aa; Supp. V, §§ 77a-77x.

(1) such copies of the registration statement filed by such company under this title, and of such reports filed by such company pursuant to section 30 or such copies of portions of such registration statement and reports, as the Commission shall designate by rules and regulations; and

(2) such additional information and documents (including a prospectus) as the Commission shall prescribe by rules and regulations as necessary or appropriate in the public interest or for the protection of investors.

Sales literature.

(b) It shall be unlawful for any of the following companies, or for any underwriter for such a company, in connection with a public offering of any security of which such company is the issuer, to make use of the mails or any means or instrumentalities of interstate commerce, to transmit any advertisement, pamphlet, circular, form letter, or other sales literature addressed to or intended for distribution to prospective investors unless three copies of the full text thereof have been filed with the Commission or are filed with the Commission within ten days thereafter:

- (1) any registered open-end company;
- (2) any registered unit investment trust; or
- (3) any registered face-amount certificate company.

Prospectuses.
48 Stat. 81.
15 U. S. C. § 77j;
Supp. V, § 77j.

(c) In addition to the powers relative to prospectuses granted the Commission by section 10 of the Securities Act of 1933, the Commission is authorized to require, by rules and regulations or order, that the information contained in any prospectus relating to any periodic payment plan certificate or face-amount certificate registered under the Securities Act of 1933 on or after the effective date of this title be presented in such form and order of items, and such prospectus contain such summaries of any portion of such information, as are necessary or appropriate in the public interest or for the protection of investors.

Form and order of items.

Exemption provisions.
48 Stat. 76.
15 U. S. C. § 77c
(a) (8).
48 Stat. 906.
15 U. S. C. § 77c
(a) (11).

(d) The exemption provided by paragraph (8) of section 3 (a) of the Securities Act of 1933 shall not apply to any security of which an investment company is the issuer. The exemption provided by paragraph (11) of said section 3 (a) shall not apply to any security of which a registered investment company is the issuer, except a security sold or disposed of by the issuer or bona fide offered to the public prior to the effective date of this title, and with respect to a security so sold, disposed of, or offered, shall not apply to any new offering thereof on or after the effective date of this title.

PLANS OF REORGANIZATION

Filing of plans with Commission.

SEC. 25. (a) Any person who, by use of the mails or any means or instrumentality of interstate commerce or otherwise, solicits or permits the use of his name to solicit any proxy, consent, authorization, power of attorney, ratification, deposit, or dissent in respect of any plan of reorganization of any registered investment company shall file with, or mail to, the Commission for its information, within twenty-four hours after the commencement of any such solicitation, a copy of such plan and any deposit agreement relating thereto and of any proxy, consent, authorization, power of attorney, ratification, instrument of deposit, or instrument of dissent in respect thereto, if or to the extent that such documents shall not already have been filed with the Commission.

Advisory reports.

(b) The Commission is authorized, if so requested, prior to any solicitation of security holders with respect to any plan of reorganization, by any registered investment company which is, or any of the securities of which are, the subject of or is a participant in any such plan, or if so requested by the holders of 25 per centum of any class of its outstanding securities, to render an advisory report in respect of the fairness of any such plan and its effect upon any class or classes of security holders. In such event any registered investment company, in respect of which the Commission shall have rendered any such advisory report, shall mail promptly a copy of such advisory report to all its security holders affected by any such plan: *Provided*, That such advisory report shall have been received by it at least forty-eight hours (not including Sundays and holi-

Copies to security holders.

Proviso.
Time limitation.

days) before final action is taken in relation to such plan at any meeting of security holders called to act in relation thereto, or any adjournment of any such meeting, or if no meeting be called, then prior to the final date of acceptance of such plan by security holders. In respect of securities not registered as to ownership, in lieu of mailing a copy of such advisory report, such registered company shall publish promptly a statement of the existence of such advisory report in a newspaper of general circulation in its principal place of business and shall make available copies of such advisory report upon request. Notwithstanding the provision of this section the Commission shall not render such advisory report although so requested by any such investment company or such security holders if the fairness or feasibility of said plan is in issue in any proceeding pending in any court of competent jurisdiction unless such plan is submitted to the Commission for that purpose by such court.

Securities not registered as to ownership. Publication in newspapers.

When advisory report not rendered.

(c) Any district court of the United States in the State of incorporation of a registered investment company or any such court for the district in which such company maintains its principal place of business is authorized to enjoin the consummation of any plan of reorganization of such registered investment company upon proceedings instituted by the Commission (which is authorized so to proceed upon behalf of security holders of such registered company, or any class thereof), if such court shall determine any such plan to be grossly unfair or to constitute gross misconduct or gross abuse of trust on the part of the officers, directors, or investment advisers of such registered company or other sponsors of such plan.

Enjoinment of consummation of reorganization plan.

(d) Nothing contained in this section shall in any way affect or derogate from the powers of the courts of the United States and the Commission with reference to reorganizations contained in the Bankruptcy Act of 1898, as amended.

Functions and duties not affected.

30 Stat. 544.
11 U. S. C.; Supp. V.

UNIT INVESTMENT TRUSTS

SEC. 26. (a) No principal underwriter for or depositor of a registered unit investment trust shall sell, except by surrender to the trustee for redemption, any security of which such trust is the issuer (other than short-term paper), unless the trust indenture, agreement of custodianship, or other instrument pursuant to which such security is issued—

Sale of certain trust securities.

(1) designates one or more trustees or custodians, each of which is a bank, and provides that each such trustee or custodian shall have at all times an aggregate capital, surplus, and undivided profits of a specified minimum amount, which shall not be less than \$500,000 (but may also provide, if such trustee or custodian publishes reports of condition at least annually, pursuant to law or to the requirements of its supervising or examining authority, that for the purposes of this paragraph the aggregate capital, surplus, and undivided profits of such trustee or custodian shall be deemed to be its aggregate capital, surplus, and undivided profits as set forth in its most recent report of condition so published);

Designation of bank as trustee.

(2) provides, in substance, (A) that during the life of the trust the trustee or custodian, if not otherwise remunerated, may charge against and collect from the income of the trust, and from the corpus thereof if no income is available, such fees for its services and such reimbursement for its expenses as are provided for in such instrument; (B) that no such charge or collection shall be made except for services theretofore performed or expenses theretofore incurred; (C) that no payment to the

Fees for services, etc.

depositor of or a principal underwriter for such trust, or to any affiliated person or agent of such depositor or underwriter, shall be allowed the trustee or custodian as an expense (except that provision may be made for the payment to any such person of a fee, not exceeding such reasonable amount as the Commission may prescribe as compensation for performing bookkeeping and other administrative services, of a character normally performed by the trustee or custodian itself); and (D) that the trustee or custodian shall have possession of all securities and other property in which the funds of the trust are invested, all funds held for such investment, all equalization, redemption, and other special funds of the trust, and all income upon, accretions to, and proceeds of such property and funds, and shall segregate and hold the same in trust (subject only to the charges and collections allowed under clauses (A), (B), and (C)) until distribution thereof to the security holders of the trust;

Trustee, etc., resignation restriction.

(3) provides, in substance, that the trustee or custodian shall not resign until either (A) the trust has been completely liquidated and the proceeds of the liquidation distributed to the security holders of the trust, or (B) a successor trustee or custodian, having the qualifications prescribed in paragraph (1), has been designated and has accepted such trusteeship or custodianship; and

Record to be kept.

(4) provides, in substance, (A) that a record will be kept by the depositor or an agent of the depositor of the name and address of, and the shares issued by the trust and held by, every holder of any security issued pursuant to such instrument, insofar as such information is known to the depositor or agent; and (B) that whenever a security is deposited with the trustee in substitution for any security in which such security holder has an undivided interest, the depositor or the agent of the depositor will, within five days after such substitution, either deliver or mail to such security holder a notice of substitution, including an identification of the securities eliminated and the securities substituted, and a specification of the shares of such security holder affected by the substitution.

Notice of substitution.

Trust indenture, etc., not meeting requirements.

(b) In the event that a trust indenture, agreement of custodianship, or other instrument pursuant to which securities of a registered unit investment trust are issued does not at the effective date of this title comply with the requirements of subsection (a), such instrument will be deemed to meet such requirements if a written contract or agreement binding on the parties and embodying such requirements has been executed by the depositor on the one part and the trustee or custodian on the other part, and three copies of such contract or agreement have been filed with the Commission.

Validation.

Liquidation of inactive trusts.

(c) Whenever the Commission has reason to believe that a unit investment trust is inactive and that its liquidation is in the interest of the security holders of such trust, the Commission may file a complaint seeking the liquidation of such trust in the district court of the United States in any district wherein any trustee of such trust resides or has its principal place of business. A copy of such complaint shall be served on every trustee of such trust, and notice of the proceeding shall be given such other interested persons in such manner and at such times as the court may direct. If the court determines that such liquidation is in the interest of the security holders of such trust, the court shall order such liquidation and, after payment of necessary expenses, the distribution of the proceeds to the security holders of the trust in such manner and on such terms as may to the court appear equitable.

PERIODIC PAYMENT PLANS

SEC. 27. (a) It shall be unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate, if—

Sale of periodic payment plan certificates, restrictions.

(1) the sales load on such certificate exceeds 9 per centum of the total payments to be made thereon;

(2) more than one-half of any of the first twelve monthly payments thereon, or their equivalent, is deducted for sales load;

(3) the amount of sales load deducted from any one of such first payments exceeds proportionately the amount deducted from any other such payment, or the amount deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment;

(4) the first payment on such certificate is less than \$20, or any subsequent payment is less than \$10;

(5) if such registered company is a management company, the proceeds of such certificate or the securities in which such proceeds are invested are subject to management fees (other than fees for administrative services of the character described in clause (C), paragraph (2), of section 26 (a)) exceeding such reasonable amount as the Commission may prescribe, whether such fees are payable to such company or to investment advisers thereof; or

(6) if such registered company is a unit investment trust the assets of which are securities issued by a management company, the depositor of or principal underwriter for such trust, or any affiliated person of such depositor or underwriter, is to receive from such management company or any affiliated person thereof any fee or payment on account of payments on such certificate exceeding such reasonable amount as the Commission may prescribe.

(b) If it appears to the Commission, upon application or otherwise, that smaller companies are subjected to relatively higher operating costs and that in order to make due allowance therefor it is necessary or appropriate in the public interest and consistent with the protection of investors that a provision or provisions of paragraph (1), (2), or (3) of subsection (a) relative to sales load be relaxed in the case of certain registered investment companies issuing periodic payment plan certificates, or certain specified classes of such companies, the Commission is authorized by rules and regulations or order to grant any such company or class of companies appropriate qualified exemptions from the provisions of said paragraphs.

Exemptions.

(c) It shall be unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate, unless—

Sale of periodic payment plan certificates, requirements.

(1) such certificate is a redeemable security; and

(2) the proceeds of all payments on such certificate (except such amounts as are deducted for sales load) are deposited with a trustee or custodian having the qualifications prescribed in paragraph (1) of section 26 (a) for the trustees of unit investment trusts, and are held by such trustee or custodian under an indenture or agreement containing, in substance, the provisions required by paragraphs (2) and (3) of section 26 (a) for the trust indentures of unit investment trusts.

FACE-AMOUNT CERTIFICATE COMPANIES

SEC. 28. (a) It shall be unlawful for any registered face-amount certificate company to issue or sell any face-amount certificate, or to

Issuance or sale of face-amount certificates.

collect or accept any payment on any such certificate issued by such company on or after the effective date of this title, unless—

Minimum capitali-
zation.

(1) such company, if organized before March 15, 1940, was actively and continuously engaged in selling face-amount certificates on and before that date, and has outstanding capital stock worth upon a fair valuation of assets not less than \$50,000; or if organized on or after March 15, 1940, has capital stock in an amount not less than \$250,000 which has been bona fide subscribed and paid for in cash; and

Maintenance of
minimum certificate
reserves.

(2) such company maintains at all times minimum certificate reserves on all its outstanding face-amount certificates in an aggregate amount calculated and adjusted as follows:

(A) the reserves for each certificate of the installment type shall be based on assumed annual, semi-annual, quarterly, or monthly reserve payments according to the manner in which gross payments for any certificate year are made by the holder, which reserve payments shall be sufficient in amount, as and when accumulated at a rate not to exceed $3\frac{1}{2}$ per centum per annum compounded annually, to provide the minimum maturity or face amount of the certificate when due. Such reserve payments may be graduated according to certificate years so that the reserve payment or payments for the first certificate year shall amount to at least 50 per centum of the required gross annual payment for such year and the reserve payment or payments for each of the second to fifth certificate years inclusive shall amount to at least 93 per centum of each such year's required gross annual payment and for the sixth and each subsequent certificate year the reserve payment or payments shall amount to at least 96 per centum of each such year's required gross annual payment: *Provided*, That such aggregate reserve payments shall amount to at least 93 per centum of the aggregate gross annual payments required to be made by the holder to obtain the maturity of the certificate. The company may at its option take as loading from the gross payment or payments for a certificate year, as and when made by the certificate holder, an amount or amounts equal in the aggregate for such year to not more than the excess, if any, of the gross payment or payments required to be made by the holder for such year, over and above the percentage of the gross annual payment required herein for such year for reserve purposes. Such loading may be taken by the company prior to or after the setting up of the reserve payment or payments for such year and the reserve payment or payments for such year may be graduated and adjusted to correspond with the amount of the gross payment or payments made by the certificate holder for such year less the loading so taken;

(B) if the foregoing minimum percentages of the gross annual payments required under the provisions of such certificate should produce reserve payments larger than are necessary at $3\frac{1}{2}$ per centum per annum compounded annually to provide the minimum maturity or face amount of the certificate when due, the reserve shall be based upon reserve payments accumulated as provided under preceding subparagraph (A) of this subsection except that in lieu of the $3\frac{1}{2}$ per centum rate specified therein, such rate shall be lowered to the minimum rate, expressed in multiples of one-eighth of 1 per centum, which will accumulate such reserve payments to the maturity value when due;

(C) if the actual annual gross payment to be made by the certificate holder on any certificate issued prior to or after the effective date of this Act is less than the amount of any assumed reserve payment or payments for a certificate year, such company shall maintain as a part of such minimum certificate reserves a deficiency reserve equal to the total present value of future deficiencies in the gross payments, calculated at a rate not to exceed $3\frac{1}{2}$ per centum per annum compounded annually;

(D) for each certificate of the installment type the amount of the reserve shall at any time be at least equal to (1) the then amount of the reserve payments set up under section 28 (a) (2) (A) or (B); (2) the accumulations on such reserve payments as computed under subparagraphs (A) or (B) of this paragraph (2); (3) the amount of any deficiency reserve required under subparagraph (C) hereof; and (4) such amount as shall have been credited to the account of each certificate holder in the form of any credit, or any dividend, or any interest in addition to the minimum maturity amount specified in such certificate, plus any accumulations on any amount or amounts so credited, at a rate not exceeding $3\frac{1}{2}$ per centum per annum compounded annually;

(E) for each certificate which is fully paid, including any fully paid obligations resulting from or effected upon the maturity of the previously issued certificate, and for each paid-up certificate issued as provided in subsection (f) of this section prior to maturity, the amount of the reserve shall at any time be at least equal to (1) such amount as and when accumulated at a rate not to exceed $3\frac{1}{2}$ per centum per annum compounded annually, will provide the amount or amounts payable when due and (2) such amount as shall have been credited to the account of each such certificate holder in the form of any credit, or any dividend, or any interest in addition to the minimum maturity amount specified in the certificate, plus any accumulations on any amount or amounts so credited, at a rate not exceeding $3\frac{1}{2}$ per centum per annum compounded annually;

(F) for each certificate of the installment type under which gross payments have been made by or credited to the holder thereof covering a payment period or periods or any part thereof beyond the then current payment period as defined by the terms of such certificate, and for which period or periods no reserve has been set up under subparagraph (A) or (B) hereof, an advance payment reserve shall be set up and maintained in the amount of the present value of any such unapplied advance gross payments, computed at a rate not to exceed $3\frac{1}{2}$ per centum per annum compounded annually;

(G) such appropriate contingency reserves for death and disability benefits and for reinstatement rights on any such certificate providing for such benefits or rights as the Commission shall prescribe by rule, regulation, or order based upon the experience of face-amount companies in relation to such contingencies.

At no time shall the aggregate certificate reserves herein required by subparagraphs (A) to (F), inclusive, be less than the aggregate surrender values and other amounts to which all certificate holders may be then entitled.

For the purpose of this subsection (a), no certificate of the installment type shall be deemed to be outstanding if before a surrender value has been attained the holder thereof has been in continuous default in making his payments thereon for a period of one year.

Minimum assets.

(b) It shall be unlawful for any registered face-amount certificate company to issue or sell any face-amount certificate, or to collect or accept any payment on any such certificate issued by such company on or after the effective date of this title, unless such company has, in cash or qualified investments, assets having a value not less than the aggregate amount of the capital stock requirement and certificate reserves as computed under the provisions of subsection (a) hereof. As used in this subsection, "qualified investments" means investments of a kind which life-insurance companies are permitted to invest in or hold under the provisions of the Code of the District of Columbia as heretofore or hereafter amended, and such other investments as the Commission shall by rule, regulation, or order authorize as qualified investments. Such investments shall be valued in accordance with the provisions of said Code where such provisions are applicable. Investments to which such provisions do not apply shall be valued in accordance with such rules, regulations, or orders as the Commission shall prescribe for the protection of investors.

Deposit and maintenance of designated investments.

(c) The Commission shall by rule, regulation, or order, in the public interest or for the protection of investors, require a registered face-amount certificate company to deposit and maintain, upon such terms and conditions as the Commission shall prescribe and as are appropriate for the protection of investors, with one or more institutions having the qualifications required by paragraph (1) of section 26 (a) for a trustee of a unit investment trust, all or any part of the investments maintained by such company as certificate reserve requirements under the provisions of subsection (b) hereof: *Provided, however,* That where qualified investments are maintained on deposit by such company in respect of its liabilities under certificates issued to or held by residents of any State as required by the statute of such State or by any order, regulation, or requirement of such State or any official or agency thereof, the amount so on deposit, but not to exceed the amount of reserves required by subsection (a) hereof for the certificates so issued or held, shall be deducted from the amount of qualified investments that may be required to be deposited hereunder.

Proviso.
Deductions.

Assets which are qualified investments under subsection (b) and which are deposited under or as permitted by this subsection (c), may be used and shall be considered as a part of the assets required to be maintained under the provisions of said subsection (b).

Issuance of certificates; collection of payments.

(d) It shall be unlawful for any registered face-amount certificate company to issue or sell any face-amount certificate, or to collect or accept any payment on any such certificate issued by such company on or after the effective date of this title, unless such certificate contains a provision or provisions to the effect—

Surrender value during first certificate year.

(1) that, in respect of any certificate of the installment type, during the first certificate year the holder of the certificate, upon surrender thereof, shall be entitled to a value payable in cash not less than the reserve payments as specified in subparagraph (A) or (B) of paragraph (2) of subsection (a) and at the end of such certificate year, a value payable in cash at least equal to 50 per centum of the amount of the gross annual payment required thereby for such year;

After expiration of first certificate year.

(2) that, in respect of any certificate of the installment type, at any time after the expiration of the first certificate year and

prior to maturity, the holder of the certificate, upon surrender thereof, shall be entitled to a value payable in cash not less than the then amount of the reserve for such certificate required by numbered items (1) and (2) of subparagraph (D) of paragraph (2) subsection (a) hereof, less a surrender charge that shall not exceed 2 per centum of the face or maturity amount of the certificate, or 15 per centum of the amount of such reserve, whichever is the lesser, but in no event shall such value be less than 50 per centum of the amount of such reserve. The amount of the surrender value for the end of each certificate year shall be set out in the certificate;

(3) that, in respect of any certificate of the installment type, the holder of the certificate, upon surrender thereof for cash or upon receipt of a paid-up certificate as provided in subsection (f) hereof, shall be entitled to a value payable in cash equal to the then amount of any advance payment reserve under such certificate required by subparagraph (F) of paragraph (2) of subsection (a) hereof in addition to any other amounts due the holder hereunder;

Surrender for cash or upon receipt of paid-up certificate.

(4) that at any time prior to maturity, in respect of any certificate which is fully paid, the holder of the certificate, upon surrender thereof, shall be entitled to a value payable in cash not less than the then amount of the reserve for such certificate required by item (1) of subparagraph (E) of paragraph (2) of subsection (a) hereof, less a surrender charge that shall not exceed 2 per centum of the face or maturity amount of the certificate, or 15 per centum of the amount of such reserve, whichever is the lesser: *Provided, however*, That such surrender charge shall not apply as to any obligations of a fully paid type resulting from the maturity of a previously issued certificate. The amount of the surrender value for the end of each certificate year shall be set out in the certificate;

Fully paid certificates.

Surrender charge.

Proviso.
When not applicable.

(5) that in respect of any certificate, the holder of the certificate, upon maturity, upon surrender thereof for cash or upon receipt of a paid-up certificate as provided in subsection (f) hereof, shall be entitled to a value payable in cash equal to the then amount of the reserve, if any, for such certificate required by item (4) of subparagraph (D) of paragraph (2) of subsection (a) hereof or item (2) of subparagraph (E) of paragraph (2) of subsection (a) hereof in addition to any other amounts due the holder hereunder.

The term "certificate year" as used in this section in respect of any certificate of the installment type means a period or periods for which one year's payment or payments as provided by the certificate have been made thereon by the holder and the certificate maintained in force by such payments for the time for which the same have been made, and in respect of any certificate which is fully paid or paid-up means any year ending on the anniversary of the date of issuance of the certificate.

"Certificate year" as applied to certificate of the installment type; definition.

Any certificate may provide for loans or advances by the company to the certificate holder on the security of such certificate upon terms prescribed therein but at an interest rate not exceeding 6 per centum per annum. The amount of the required reserves, deposits, and the surrender values thereof available to the holder may be adjusted to take into account any unpaid balance on such loans or advances and interest thereon, for the purposes of this subsection and subsections (b) and (c) hereof.

Loans on certificates.

Any certificate may provide that the company at its option may, prior to the maturity thereof, defer any payment or payments to the

Optional deferment of payment.

<i>Proviso.</i> Interest due holder.	certificate holder to which he may be entitled under this subsection (d), for a period of not more than thirty days: <i>Provided</i> , That in the event such option is exercised by the company, interest shall accrue on any payment or payments due to the holder, for the period of such deferment at a rate equal to that used in accumulating the reserves for such certificate: <i>And provided further</i> , That the Commission may, by rules and regulations or orders in the public interest or for the protection of investors, make provision for any other deferment upon such terms and conditions as it shall prescribe.
Provisions for other deferment.	(e) It shall be unlawful for any registered face-amount certificate company to issue or sell any face-amount certificate, or to collect or accept any payment on any such certificate issued by such company on or after the effective date of this title, which certificate makes the holder liable to any legal action or proceeding for any unpaid amount on such certificate.
Liability of holder for unpaid balance.	(f) It shall be unlawful for any registered face-amount certificate company to issue or sell any face-amount certificate, or to collect or accept any payment on any such certificate issued by such company on or after the effective date of this title, (1) unless such face-amount certificate contains a provision or provisions to the effect that the holder shall have an optional right to receive a paid-up certificate in lieu of the then attained cash surrender value provided therein and in the amount of such value plus accumulations thereon at a rate to be specified in the paid-up certificate equal to that used in computing the reserve on the original certificate under subparagraph (A) or (B) of paragraph (2) of subsection (a) of this section, such paid-up certificate to become due and payable at the end of a period equal to the balance of the term of such original certificate before maturity; and during the period prior to maturity such paid-up certificate shall have a cash value upon surrender thereof equal to the then amount of the reserve therefor; and (2) unless such face-amount certificate contains a further provision or provisions to the effect that if the holder be in continuous default in his payments on such certificate for a period of six months without having exercised his option to receive a paid-up certificate, as herein provided, the company at the expiration of such six months shall pay the surrender value in cash if such value is less than \$100 or if such value is \$100 or more shall issue such paid-up certificate to such holder and such payment or issuance, plus the payment of all other amounts to which he may be then entitled under the original certificate, shall operate to cancel his original certificate: <i>Provided</i> , That in lieu of the issuance of a new paid-up certificate the original certificate may be converted into a paid-up certificate with the same effect; and (3) unless, where such certificate provides, in the event of default, for the deferment of payments thereon by the holder or of the due dates of such payments or of the maturity date of the certificate, it shall also provide in effect for the right of reinstatement by the holder of the certificate after default and for an option in the holder, at the time of reinstatement, to make up the payment or payments for the default period next preceding such reinstatement with interest thereon not exceeding 6 per centum per annum, with the same effect as if no such default in making such payments had occurred.
Paid-up certificate. Issuance under certain contingencies.	The term "default" as used in this subsection (f) shall, without restricting its usual meaning, include a failure to make a payment or payments as and when provided by the certificate.
<i>Proviso.</i> Conversion of original certificate.	(g) The foregoing provisions of this section shall not apply to a face-amount certificate company which on or before the effective date of this Act has discontinued the offering of face-amount certificates
"Default" defined.	
Exceptions.	

to the public and issues face-amount certificates only to the holders of certificates previously issued pursuant to an obligation expressed or implied in such certificates.

(h) It shall be unlawful for any registered face-amount certificate company which does not maintain the minimum certificate reserve on all its outstanding face-amount certificates issued prior to the effective date of this Act, in an aggregate amount calculated and adjusted as provided in section 28, to declare or pay any dividends on the shares of such company for or during any calendar year which shall exceed one-third of the net earnings for the next preceding calendar year or which shall exceed 10 per centum of the aggregate net earnings for the next preceding five calendar years, whichever is the lesser amount, or any dividend which shall have been forbidden by the Commission pursuant to the provision of the next sentence of this paragraph. At least thirty days before such company shall declare, pay, or distribute any dividend, it shall give the Commission written notice of its intention to declare, pay, or distribute the same; and if at any time it shall appear to the Commission that the declaration, payment or distribution of any dividend for or during any calendar year might impair the financial integrity of such company or its ability to meet its liabilities under its outstanding face-amount certificates, it may by order forbid the declaration, distribution, or payment of any such dividend.

Declaration of dividends.

Prior notice to Commission.

BANKRUPTCY OF FACE-AMOUNT CERTIFICATE COMPANIES

SEC. 29. (a) Section 67 of an Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended, is amended by adding at the end thereof the following:

"f. (1) For the purposes of, and exclusively applicable to, this subdivision f (a) 'debtor' shall mean a face-amount certificate company as defined in section 4 of the Investment Company Act of 1940; (b) 'face-amount certificate' shall mean a face-amount certificate as defined in section 2 of the Investment Company Act of 1940; (c) 'depository' is a person or State agency with whom securities or other property of a debtor is deposited or to whom property of a debtor is transferred, in trust or otherwise, pursuant to the requirements of a State law or an agreement by the debtor providing for the distribution of such property or its proceeds to creditors or security holders of the debtor in the event of the insolvency of the debtor or under other specified circumstances; (d) 'deposit creditor' is a creditor who, under the provisions of a State law or agreement providing for a deposit with or transfer to a depository, has rights as to the securities or property so deposited or transferred which exceed the rights of a general creditor; and (e) 'State agency' is an official or agency of a State designated to act as depository or to distribute property, or the proceeds of property held by a depository.

"(2) Every deposit or transfer of securities or other property made by or on behalf of a debtor with or to any depository for the benefit or protection of or to secure the holder of any security sold by or on behalf of the debtor on or after January 1, 1941, shall be voidable as against the trustee of such debtor if the property of the estate is insufficient for the full payment and discharge of all claims on account of all face-amount certificates sold by or on behalf of the debtor, and such deposit or transfer and every lien created thereby shall thereupon be avoided by the trustee subject to the provisions of paragraph 3 of this subdivision f.

"(3) In the event any deposit or transfer described in paragraph 2 of this subdivision f shall be avoided the trustee shall segregate

Liens and fraudulent transfers.
30 Stat. 564.
11 U. S. C. § 107;
Supp. V, § 107.

Definitions.
"Debtor."

Ante, p. 799.
"Face-amount certificate."
Ante, p. 792.
"Depository."

"Deposit creditor."

"State agency."

Deposits, etc., for benefit of security holders, voidability.

Segregation of property.

Distributions to creditors.	the property received by the trustee from the depositary and charge the same with the costs and expenses of maintenance and liquidation and distribute the net proceeds thereof to the creditors who would have been entitled thereto under the provisions of the law or agreement providing for the deposit or transfer of the property, and each such creditor shall thereafter be entitled to dividends from the estate only after all creditors of the same rank shall have received the same percentage.
Dividends, restriction.	
Summary jurisdiction of court.	“(4) The court shall have summary jurisdiction of any proceedings to hear and determine the rights of any parties under this subdivision f and to hear and determine the sufficiency of the property of the estate for the full payment and discharge of all claims on account of all face-amount certificates sold by or on behalf of the debtor. Due notice of any hearing in such proceedings shall be given to every depositary and State agency which is a party in interest.
Notice of hearing.	“(5) Where the provisions of subsection (c) of section 28 are not applicable, the provisions of this section will not apply.”
Inapplicability of provisions. <i>Ante</i> , p. 832. 30 Stat. 567. 11 U. S. C. § 72; Supp. V, § 72.	(b) Section 44 of said Act of July 1, 1898, as amended, is amended by adding at the end of subdivision (a) thereof the following sentence:
Appointment of trustees. <i>Ante</i> , p. 799.	“If the bankrupt is a face-amount certificate company, as defined in section 4 of the Investment Company Act of 1940, the court alone shall make the appointment; but the court shall not make such appointment without first notifying the Securities and Exchange Commission and giving it an opportunity to be heard.”

PERIODIC AND OTHER REPORTS; REPORTS OF AFFILIATED PERSONS

Annual reports, etc.	SEC. 30. (a) Every registered investment company shall file annually with the Commission such information, documents, and reports as investment companies having securities registered on a national securities exchange are required to file annually pursuant to section 13 (a) of the Securities Exchange Act of 1934 and the rules and regulations issued thereunder.
48 Stat. 894. 15 U. S. C. § 78m (a); Supp. V, § 78m.	(b) Every registered investment company shall file with the Commission—
Data required.	(1) such information and documents (other than financial statements) as the Commission may require, on a semi-annual or quarterly basis, to keep reasonably current the information and documents contained in the registration statement of such company filed under this title; and
	(2) copies of every periodic or interim report or similar communication containing financial statements and transmitted to any class of such company's security holders, such copies to be filed not later than ten days after such transmission.
	Any information or documents contained in a report or other communication to security holders filed pursuant to paragraph (2) may be incorporated by reference in any report subsequently or concurrently filed pursuant to paragraph (1).
Matter in lieu of prescribed reports.	(c) The Commission shall issue rules and regulations permitting the filing with the Commission, and with any national securities exchange concerned, of copies of periodic reports, or of extracts therefrom, filed by any registered investment company pursuant to subdivisions (a) and (b), in lieu of any reports and documents required of such company under section 13 or 15 (d) of the Securities Exchange Act of 1934.
48 Stat. 894; 49 Stat. 1379. 15 U. S. C. §§ 78m, 78o; Supp. V, §§ 78m, 78o (d). Semiannual reports to stockholders.	(d) Every registered investment company shall transmit to its stockholders, at least semi-annually, reports containing such of the

following information and financial statements or their equivalent, as of a reasonably current date, as the Commission may prescribe by rules and regulations for the protection of investors, which reports shall not be misleading in any material respect in the light of the reports required to be filed pursuant to subsections (a) and (b):

- (1) a balance sheet accompanied by a statement of the aggregate value of investments on the date of such balance sheet;
- (2) a list showing the amounts and values of securities owned on the date of such balance sheet;
- (3) a statement of income, for the period covered by the report, which shall be itemized at least with respect to each category of income and expense representing more than 5 per centum of total income or expense;
- (4) a statement of surplus, which shall be itemized at least with respect to each charge or credit to the surplus account which represents more than 5 per centum of the total charges or credits during the period covered by the report;
- (5) a statement of the aggregate remuneration paid by the company during the period covered by the report (A) to all directors and to all members of any advisory board for regular compensation; (B) to each director and to each member of an advisory board for special compensation; (C) to all officers; and (D) to each person of whom any officer or director of the company is an affiliated person; and
- (6) a statement of the aggregate dollar amounts of purchases and sales of investment securities, other than Government securities, made during the period covered by the report:

Provided, That if in the judgment of the Commission any item required under this subsection is inapplicable or inappropriate to any specified type or types of investment company, the Commission may by rules and regulations permit in lieu thereof the inclusion of such item of a comparable character as it may deem applicable or appropriate to such type or types of investment company.

(e) Financial statements contained in annual reports required pursuant to subsections (a) and (d), if required by the rules and regulations of the Commission, shall be accompanied by a certificate of independent public accountants. The certificate of such independent public accountants shall be based upon an audit not less in scope or procedures followed than that which independent public accountants would ordinarily make for the purpose of presenting comprehensive and dependable financial statements, and shall contain such information as the Commission may prescribe, by rules and regulations in the public interest or for the protection of investors, as to the nature and scope of the audit and the findings and opinion of the accountants. Each such report shall state that such independent public accountants have verified securities owned, either by actual examination, or by receipt of a certificate from the custodian, as the Commission may prescribe by rules and regulations.

(f) Every person who is directly or indirectly the beneficial owner of more than 10 per centum of any class of outstanding securities (other than short-term paper) of which a registered closed-end company is the issuer or who is an officer, director, member of an advisory board, investment adviser, or affiliated person of an investment adviser of such a company shall in respect of his transactions in any securities of such company (other than short-term paper) be subject to the same duties and liabilities as those imposed by section 16 of the Securities Exchange Act of 1934 upon certain beneficial owners, directors, and officers in respect of their transactions in certain equity securities.

Contents.

Proviso.

Financial state-
ments.
Certificate of inde-
pendent public ac-
countant.

Transactions of
officers, etc.

48 Stat. 896.
15 U. S. C. § 78p.

ACCOUNTS AND RECORDS

Maintenance and preservation.

SEC. 31. (a) Every registered investment company, and every underwriter, broker, dealer, or investment adviser which is a majority-owned subsidiary of such a company, shall maintain and preserve for such period or periods as the Commission may prescribe by rules and regulations, such accounts, books, and other documents as constitute the record forming the basis for financial statements required to be filed pursuant to section 30 of this title, and of the auditor's certificates relating thereto. Every investment adviser not a majority-owned subsidiary of, and every depositor of any registered investment company, and every principal underwriter for any registered investment company other than a closed-end company, shall maintain and preserve for such period or periods as the Commission shall prescribe by rules and regulations, such accounts, books, and other documents as are necessary or appropriate to record such person's transactions with such registered company.

Investment advisers, etc.

Examinations.

(b) All accounts, books, and other records, required to be maintained and preserved by any person pursuant to subsection (a), shall be subject at any time and from time to time to such reasonable periodic, special, and other examinations by the Commission, or any member or representative thereof, as the Commission may prescribe. Any such person shall furnish to the Commission, within such reasonable time as the Commission may prescribe, copies of or extracts from such records which may be prepared without undue effort, expense, or delay, as the Commission may by order require.

Uniformity in accounting policies, etc.

(c) The Commission may, in the public interest or for the protection of investors, issue rules and regulations providing for a reasonable degree of uniformity in the accounting policies and principles to be followed by registered investment companies in maintaining their accounting records and in preparing financial statements required pursuant to this title.

Exemptions.

(d) The Commission, upon application made by any registered investment company, may by order exempt a specific transaction or transactions from the provisions of any rule or regulation made pursuant to subsection (c), if the Commission finds that such rule or regulation should not reasonably be applied to such transaction.

ACCOUNTANTS AND AUDITORS

Independent public accountants, etc.

SEC. 32. (a) After one year from the effective date of this title, it shall be unlawful for any registered management company or registered face-amount certificate company to file with the Commission any financial statement signed or certified by an independent public accountant, unless—

Selection.

(1) such accountant shall have been selected at a meeting held within thirty days before or after the beginning of the fiscal year or before the annual meeting of stockholders in that year by a majority of those members of the board of directors who are not investment advisers of, or affiliated persons of an investment adviser of, or officers or employees of, such registered company;

Ratification or rejection.

(2) such selection shall have been submitted for ratification or rejection at the next succeeding annual meeting of stockholders if such meeting be held, except that any vacancy occurring between annual meetings, due to the death or resignation of the accountant, may be filled by the board of directors;

Right to terminate employment.

(3) the employment of such accountant shall have been conditioned upon the right of the company by vote of a majority of the outstanding voting securities at any meeting called for the purpose to terminate such employment forthwith without any penalty; and

(4) such certificate or report of such accountant shall be addressed both to the board of directors of such registered company and to the security holders thereof:

Addressing of report.

Provided, That if the selection of an accountant has been rejected pursuant to paragraph (2) or his employment terminated pursuant to paragraph (3) the vacancy so occurring may be filled by a vote of a majority of the outstanding voting securities, either at the meeting at which the rejection or termination occurred or if not so filled then at a subsequent meeting which shall be called for the purpose. In the case of a common-law trust of the character described in section 16 (b) no ratification of the employment of such accountant shall be required but such employment may be terminated and such accountant removed by action of the holders of record of a majority of the outstanding shares of beneficial interest in such trust in the same manner as is provided in said section 16 (b) in respect of the removal of a trustee, and all the provisions therein contained as to the calling of a meeting shall be applicable. In the event of such termination and removal the vacancy so occurring may be filled by action of the holders of record of a majority of the shares of beneficial interest either at the meeting, if any, at which such termination and removal occurs, or by instruments in writing filed with the custodian, or if not so filled within a reasonable time then at a subsequent meeting which shall be called by the trustees for the purpose. The provisions of paragraph (40) of section 2 (a) as to a majority shall be applicable to the vote cast at any meeting of the shareholders of such a trust held pursuant to this subsection.

Proviso.
Filling of vacancy.

Common-law trust
cases, employment
status.

(b) No registered management company or registered face-amount certificate company shall file with the Commission any financial statement in the preparation of which the controller or other principal accounting officer or employee of such company participated, unless such controller, officer or employee was selected, either by vote of the holders of such company's voting securities at the last annual meeting of such security holders, or by the board of directors of such company.

Controller, etc.

(c) The Commission is authorized, by rules and regulations or order in the public interest or for the protection of investors, to require accountants and auditors to keep reports, work sheets, and other documents and papers relating to registered investment companies for such period or periods as the Commission may prescribe, and to make the same available for inspection by the Commission or any member or representative thereof.

Reports, work
sheets, etc.

SETTLEMENT OF CIVIL ACTIONS

SEC. 33. (a) Every registered investment company which is a party and every affiliated person of such company who is a party defendant to any action or claim by a registered investment company or a security holder thereof in a derivative capacity against an officer, director, investment adviser, trustee, or depositor of such company for an alleged breach of official duty, which such action or claim is commenced or asserted after the effective date of this title, shall transmit, unless already transmitted to the Commission, the documents specified in subsection (b) hereof if—

Transmittal of spec-
ified documents to
Commission.

(1) such action has been compromised or settled and such settlement or compromise has had the approval of a court having jurisdiction to approve such settlement or compromise; or

(2) a verdict has been rendered or final judgment entered on the merits in such action.

(b) Within thirty days after such settlement or compromise, verdict or final judgment, copies of all pleadings and any written record made in such action, together with a statement of the terms

Time limitation.

of settlement or compromise, if such terms be not included in the record, shall be transmitted to the Commission; and any information contained in any such documents may be used by the Commission in connection with any report or study which may be made by the Commission of lawsuits whether of investment companies or companies generally: *Provided*, That the names of persons involved shall not be disclosed.

Use of information.

Proviso.
Names of persons
involved.

DESTRUCTION AND FALSIFICATION OF REPORTS AND RECORDS

Unlawful destruc-
tion, etc.

SEC. 34. (a) It shall be unlawful for any person, except as permitted by rule, regulation, or order of the Commission, willfully to destroy, mutilate, or alter any account, book, or other document the preservation of which has been required pursuant to section 31 (a) or 32 (c).

Untrue statements.

(b) It shall be unlawful for any person to make any untrue statement of a material fact in any registration statement, application, report, account, record, or other document filed or transmitted pursuant to this title or the keeping of which is required pursuant to section 31 (a). It shall be unlawful for any person so filing, transmitting, or keeping any such document to omit to state therein any fact necessary in order to prevent the statements made therein, in the light of the circumstances under which they were made, from being materially misleading. For the purposes of this subsection, any part of any such document which is signed or certified by an accountant or auditor in his capacity as such shall be deemed to be made, filed, transmitted, or kept by such accountant or auditor, as well as by the person filing, transmitting, or keeping the complete document.

Omission of facts.

UNLAWFUL REPRESENTATIONS AND NAMES

Unlawful represen-
tations.

SEC. 35. (a) It shall be unlawful for any person, in issuing or selling any security of which a registered investment company is the issuer, to represent or imply in any manner whatsoever that such security or company has been guaranteed, sponsored, recommended, or approved by the United States or any agency or officer thereof.

(b) It shall be unlawful for any person registered under any section of this title to represent or imply in any manner whatsoever that such person has been sponsored, recommended, or approved, or that his abilities or qualifications have in any respect been passed upon by the United States or any agency or officer thereof.

Statement of fact.

(c) No provision of subsection (a) or (b) shall be construed to prohibit a statement that a person or security is registered under this Act, the Securities Act of 1933, or the Securities Exchange Act of 1934, if such statement is true in fact and if the effect of such registration is not misrepresented.

48 Stat. 74, 881.
15 U. S. C. §§ 77a-
77aa, 78a-78j; Supp.
V, §§ 77a-77x, 78c-78j.
Use of misleading
name.

(d) It shall be unlawful for any registered investment company hereafter to adopt as a part of the name or title of such company, or of any security of which it is the issuer, any word or words which the Commission finds and by order declares to be deceptive or misleading. The Commission is authorized to bring an action in the proper district court of the United States or United States court of any Territory or other place subject to the jurisdiction of the United States alleging that the name or title of any registered investment company, or of any security which it has issued, is materially deceptive or misleading. If the court finds that the Commission's allegations in this respect, taking into consideration the history of the investment company and the length of time which it may have used any such name or title, are established, the court shall enjoin such investment company from continuing to use any such name or title.

Court action.

INJUNCTIONS AGAINST GROSS ABUSE

SEC. 36. The Commission is authorized to bring an action in the proper district court of the United States or United States court of any Territory or other place subject to the jurisdiction of the United States, alleging that a person serving or acting in one or more of the following capacities has been guilty, after the enactment of this title and within five years of the commencement of the action, of gross misconduct or gross abuse of trust in respect of any registered investment company for which such person so serves or acts:

Injunctions against gross abuse.

(1) as officer, director, member of an advisory board, investment adviser, or depositor; or

(2) as principal underwriter, if such registered company is an open-end company, unit investment trust, or face-amount certificate company.

If the Commission's allegations of such gross misconduct or gross abuse of trust are established, the court shall enjoin such person from acting in such capacity or capacities either permanently or for such period of time as it in its discretion shall deem appropriate.

LARCENY AND EMBEZZLEMENT

SEC. 37. Whoever steals, unlawfully abstracts, unlawfully and willfully converts to his own use or to the use of another, or embezzles any of the moneys, funds, securities, credits, property, or assets of any registered investment company shall be deemed guilty of a crime, and upon conviction thereof shall be subject to the penalties provided in section 49. A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution under this section for the same act or acts.

Larceny and embezzlement.

RULES, REGULATIONS, AND ORDERS; GENERAL POWERS OF COMMISSION

SEC. 38. (a) The Commission shall have authority from time to time to make, issue, amend, and rescind such rules and regulations and such orders as are necessary or appropriate to the exercise of the powers conferred upon the Commission elsewhere in this title, including rules and regulations defining accounting, technical, and trade terms used in this title, and prescribing the form or forms in which information required in registration statements, applications, and reports to the Commission shall be set forth. For the purposes of its rules or regulations the Commission may classify persons, securities, and other matters within its jurisdiction and prescribe different requirements for different classes of persons, securities, or matters.

Rules, regulations, and orders.

(b) The Commission, by such rules and regulations or order as it deems necessary or appropriate in the public interest or for the protection of investors, may authorize the filing of any information or documents required to be filed with the Commission under this title, title II of this Act, the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, or the Trust Indenture Act of 1939, by incorporating by reference any information or documents theretofore or concurrently filed with the Commission under this title or any of such Acts.

Classification of persons, etc.

Filing of information.

48 Stat. 74, 881; 49 Stat. 803; 53 Stat. 1149.

(c) No provision of this title imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation, or order of the Commission, notwithstanding that such rule, regulation, or order may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

Act or omission in good faith.

RULES AND REGULATIONS; PROCEDURE FOR ISSUANCE

Publication.
49 Stat. 500.
44 U. S. C., Supp.
V, §§ 301-314.

SEC. 39. Subject to the provisions of the Federal Register Act and regulations prescribed under the authority thereof, the rules and regulations of the Commission under this title, and amendments thereof, shall be effective upon publication in the manner which the Commission shall prescribe, or upon such later date as may be provided in such rules and regulations.

ORDERS; PROCEDURE FOR ISSUANCE

Issuance of orders,
requirements.

Notice.

Admissibility of ap-
plication in evidence.

Admission of inter-
ested State, etc., as
party to proceeding.

SEC. 40. (a) Orders of the Commission under this title shall be issued only after appropriate notice and opportunity for hearing. Notice to the parties to a proceeding before the Commission shall be given by personal service upon each party or by registered mail or confirmed telegraphic notice to the party's last known business address. Notice to interested persons, if any, other than parties may be given in the same manner or by publication in the Federal Register.

(b) The Commission may provide, by appropriate rules or regulations, that an application verified under oath may be admissible in evidence in a proceeding before the Commission and that the record in such a proceeding may consist, in whole or in part, of such application.

(c) In any proceeding before the Commission, the Commission, in accordance with such rules and regulations as it may prescribe, shall admit as a party any interested State or State agency, and may admit as a party any representative of interested security holders, or any other person whose participation in the proceeding may be in the public interest or for the protection of investors.

HEARINGS BY COMMISSION

Hearings.

SEC. 41. Hearings may be public and may be held before the Commission, any member or members thereof, or any officer or officers of the Commission designated by it, and appropriate records thereof shall be kept.

ENFORCEMENT OF TITLE

Investigations.

SEC. 42. (a) The Commission may make such investigations as it deems necessary to determine whether any person has violated or is about to violate any provision of this title or of any rule, regulation, or order hereunder, or to determine whether any action in any court or any proceeding before the Commission shall be instituted under this title against a particular person or persons, or with respect to a particular transaction or transactions. The Commission shall permit any person to file with it a statement in writing, under oath or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated.

Powers of members
of Commission.

(b) For the purpose of any investigation or any other proceeding under this title, any member of the Commission, or any officer thereof designated by it, is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records which are relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in any State or in any Territory or other place subject to the jurisdiction of the United States at any designated place of hearing.

Attendance of wit-
nesses.

Contumacy.

(c) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Commission may invoke the aid of any court of the

United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, contracts, agreements, and other records. And such court may issue an order requiring such person to appear before the Commission or member or officer designated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question; any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. Any person who without just cause shall fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, contracts, agreements, or other records, if in his or its power so to do, in obedience to the subpoena of the Commission, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or both.

Court order to compel appearance.

Service of process.

Penalty.

Self-incriminating testimony.

Exemption from prosecution.

Perjury.

Injunctions, restraining orders, etc.

Jurisdiction of court.

Transmittal of evidence to Attorney General.

(d) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, contracts, agreements, or other records and documents before the Commission, or in obedience to the subpoena of the Commission or any member thereof or any officer designated by it, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(e) Whenever it shall appear to the Commission that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this title, or of any rule, regulation, or order hereunder, it may in its discretion bring an action in the proper district court of the United States, or the proper United States court of any Territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices and to enforce compliance with this title or any rule, regulation, or order hereunder. Upon a showing that such person has engaged or is about to engage in any such act or practice, a permanent or temporary injunction or decree or restraining order shall be granted without bond. In any proceeding under this subsection to enforce compliance with section 7, the court as a court of equity may, to the extent it deems necessary or appropriate, take exclusive jurisdiction and possession of the investment company or companies involved and the books, records, and assets thereof, wherever located; and the court shall have jurisdiction to appoint a trustee, who with the approval of the court shall have power to dispose of any or all of such assets, subject to such terms and conditions as the court may prescribe. The Commission may transmit such evidence as may be available concerning any violation of the provisions of this title, or of any rule, regulation, or order thereunder, to the Attorney General, who, in his discretion, may institute the appropriate criminal proceedings under this title.

COURT REVIEW OF ORDERS

- Petition for review.** SEC. 43. (a) Any person or party aggrieved by an order issued by the Commission under this title may obtain a review of such order in the circuit court of appeals of the United States within any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within sixty days after the entry of such order, a written petition praying that the order of the Commission be modified or set aside in whole or in part. A copy of such petition shall be forthwith served upon any member of the Commission, or upon any officer thereof designated by the Commission for that purpose, and thereupon the Commission shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm, modify, or set aside such order, in whole or in part. No objection to the order of the Commission shall be considered by the court unless such objection shall have been urged before the Commission or unless there were reasonable grounds for failure so to do. The findings of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts by reason of the additional evidence so taken, and it shall file with the court such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court affirming, modifying, or setting aside, in whole or in part, any such order of the Commission shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended.
- Service of copy upon Commission.**
- Jurisdiction of court.**
- Findings.**
- Additional evidence.**
- Modification.**
- Finality of court's decision.**
- Review by Supreme Court.**
 38 Stat. 1157.
 28 U. S. C. §§ 346,
 347; Supp. V. § 347.
Stay of Commission's orders.
- (b) The commencement of proceedings under subsection (a) to review an order of the Commission issued under section 8 (e) shall operate as a stay of the Commission's order unless the court otherwise orders. The commencement of proceedings under subsection (a) to review an order of the Commission issued under any provision of this title other than section 8 (e) shall not operate as a stay of the Commission's order unless the court specifically so orders.

JURISDICTION OF OFFENSES AND SUITS

- Jurisdiction of courts.** SEC. 44. The district courts of the United States and the United States courts of any Territory or other place subject to the jurisdiction of the United States shall have jurisdiction of violations of this title or the rules, regulations, or orders thereunder, and, concurrently with State and Territorial courts, of all suits in equity and actions at law brought to enforce any liability or duty created by, or to enjoin any violation of, this title or the rules, regulations, or orders thereunder. Any criminal proceeding may be brought in the district wherein any act or transaction constituting the violation occurred. A criminal proceeding based upon a violation of section 34, or upon a failure to file a report or other document required to be filed under this title, may be brought in the district wherein the
- Venue.**

defendant is an inhabitant or maintains his principal office or place of business. Any suit or action to enforce any liability or duty created by, or to enjoin any violation of, this title or rules, regulations, or orders thereunder, may be brought in any such district or in the district wherein the defendant is an inhabitant or transacts business, and process in such cases may be served in any district of which the defendant is an inhabitant or transacts business or wherever the defendant may be found. Judgments and decrees so rendered shall be subject to review as provided in sections 128 and 240 of the Judicial Code, as amended, and section 7, as amended, of the Act entitled "An Act to establish a court of appeals for the District of Columbia", approved February 9, 1893. No costs shall be assessed for or against the Commission in any proceeding under this title brought by or against the Commission in any court.

Action to enforce any liability, etc.

Judgments, etc., subject to review.
36 Stat. 1133, 1157.
28 U. S. C. §§ 225, 347; Supp. V, §§ 225, 347.
27 Stat. 435.
18 D. C. Code § 26.

INFORMATION FILED WITH COMMISSION

SEC. 45. (a) The information contained in any registration statement, application, report, or other document filed with the Commission pursuant to any provision of this title or of any rule or regulation thereunder (as distinguished from any information or document transmitted to the Commission) shall be made available to the public, unless and except insofar as the Commission, by rules and regulations upon its own motion, or by order upon application, finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors. It shall be unlawful for any member, officer, or employee of the Commission to use for personal benefit, or to disclose to any person other than an official or employee of the United States or of a State, for official use, or for any such official or employee to use for personal benefit, any information contained in any document so filed or transmitted, if such information is not available to the public.

Availability to public.

Use for personal benefit, etc.

(b) Photostatic or other copies of information contained in documents filed with the Commission under this title and made available to the public shall be furnished any person at such reasonable charge and under such reasonable limitations as the Commission shall prescribe.

Sale of photostatic, etc., copies.

ANNUAL REPORTS OF COMMISSION; EMPLOYEES OF THE COMMISSION

SEC. 46. (a) The Commission shall submit annually a report to the Congress covering the work of the Commission for the preceding year and including such information, data, and recommendations for further legislation in connection with the matters covered by this title as it may find advisable.

Annual reports.

(b) For the purposes of this title, the Commission may select, employ, and fix the compensation of such attorneys, examiners, and other experts as shall be necessary for the transaction of the business of the Commission in respect of this title without regard to the provisions of other laws applicable to the employment and compensation of officers or employees of the United States; and the Commission may, subject to the civil-service laws, appoint such other officers and employees as are necessary in the execution of the functions of the Commission and fix their salaries in accordance with the Classification Act of 1923, as amended.

Employment of experts.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

VALIDITY OF CONTRACTS

SEC. 47. (a) Any condition, stipulation, or provision binding any person to waive compliance with any provision of this title or with any rule, regulation, or order thereunder shall be void.

Void conditions, etc..

Contracts in violation of designated provisions.

(b) Every contract made in violation of any provision of this title or of any rule, regulation, or order thereunder, and every contract heretofore or hereafter made, the performance of which involves the violation of, or the continuance of any relationship or practice in violation of, any provision of this title, or any rule, regulation, or order thereunder, shall be void (1) as regards the rights of any person who, in violation of any such provision, rule, regulation, or order, shall have made or engaged in the performance of any such contract, and (2) as regards the rights of any person who, not being a party to such contract, shall have acquired any right thereunder with actual knowledge of the facts by reason of which the making or performance of such contract was in violation of any such provision, rule, regulation, or order.

LIABILITY OF CONTROLLING PERSONS; PREVENTING COMPLIANCE WITH TITLE

Liability provisions.

SEC. 48. (a) It shall be unlawful for any person, directly or indirectly, to cause to be done any act or thing through or by means of any other person which it would be unlawful for such person to do under the provisions of this title or any rule, regulation, or order thereunder.

Preventing compliance with title.

(b) It shall be unlawful for any person without just cause to hinder, delay, or obstruct the making, filing, or keeping of any information, document, report, record, or account required to be made, filed, or kept under any provision of this title or any rule, regulation, or order thereunder.

PENALTIES

Willful violations.

SEC. 49. Any person who willfully violates any provision of this title or of any rule, regulation, or order hereunder, or any person who willfully in any registration statement, application, report, account, record, or other document filed or transmitted pursuant to this title or the keeping of which is required pursuant to section 31 (a) makes any untrue statement of a material fact or omits to state any material fact necessary in order to prevent the statements made therein from being materially misleading in the light of the circumstances under which they were made, shall upon conviction be fined not more than \$10,000 or imprisoned not more than two years, or both; but no person shall be convicted under this section for the violation of any rule, regulation, or order if he proves that he had no actual knowledge of such rule, regulation, or order.

Untrue statements, etc.

Penalty.

Restriction.

EFFECT ON EXISTING LAW

Effect on existing law.

48 Stat. 74, 881; 49 Stat. 803; 53 Stat. 1149.

SEC. 50. Except where specific provision is made to the contrary, nothing in this title shall affect (1) the jurisdiction of the Commission under the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, or title II of this Act, over any person, security, or transaction, or (2) the rights, obligations, duties, or liabilities of any person under such Acts; nor shall anything in this title affect the jurisdiction of any other commission, board, agency, or officer of the United States or of any State or political subdivision of any State, over any person, security, or transaction, insofar as such jurisdiction does not conflict with any provision of this title or of any rule, regulation, or order hereunder.

SEPARABILITY OF PROVISIONS

Separability of provisions.

SEC. 51. If any provision of this title or any provision incorporated in this title by reference, or the application of any such provision to

any person or circumstances, shall be held invalid, the remainder of this title and the application of any such provision to person or circumstances other than those as to which it is held invalid shall not be affected thereby.

SHORT TITLE

SEC. 52. This title may be cited as the "Investment Company Act of 1940".

Short title.

EFFECTIVE DATE

SEC. 53. The effective date of the provisions of this title, so far as the same relate to face-amount certificates or to face-amount certificate companies, is January 1, 1941: *Provided, however*, That any such face-amount certificate company may register prior to said date, as provided by section 8 of this title, and such registration shall not operate to change or affect said effective date as to any such company or any face-amount certificates issued by it. The effective date of provisions hereof, insofar as the same do not apply to face-amount certificates or face-amount certificate companies is November 1, 1940. Except as herein otherwise provided, every provision of this title shall take effect on November 1, 1940.

Effective dates.

Proviso.
Registration provi-
sions, etc.

TITLE II—INVESTMENT ADVISERS

Investment Ad-
visers Act of 1940.

FINDINGS

SEC. 201. Upon the basis of facts disclosed by the record and report of the Securities and Exchange Commission made pursuant to section 30 of the Public Utility Holding Company Act of 1935, and facts otherwise disclosed and ascertained, it is hereby found that investment advisers are of national concern, in that, among other things—

Findings.

49 Stat. 837.
15 U. S. C., Supp.V,
§ 792-4.

(1) their advice, counsel, publications, writings, analyses, and reports are furnished and distributed, and their contracts, subscription agreements, and other arrangements with clients are negotiated and performed, by the use of the mails and means and instrumentalities of interstate commerce;

(2) their advice, counsel, publications, writings, analyses, and reports customarily relate to the purchase and sale of securities traded on national securities exchanges and in interstate over-the-counter markets, securities issued by companies engaged in business in interstate commerce, and securities issued by national banks and member banks of the Federal Reserve System; and

(3) the foregoing transactions occur in such volume as substantially to affect interstate commerce, national securities exchanges, and other securities markets, the national banking system and the national economy.

DEFINITIONS

SEC. 202. (a) When used in this title, unless the context otherwise requires—

Definitions.

(1) "Assignment" includes any direct or indirect transfer or hypothecation of an investment advisory contract by the assignor or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor; but if the investment adviser is a partnership, no assignment of an investment advisory contract shall be deemed to result from the death or withdrawal of a minority of the members of the investment adviser having only a minority interest in the business of the investment adviser, or from the admission to the investment adviser of one or more mem-

"Assignment."

- bers who, after such admission, shall be only a minority of the members and shall have only a minority interest in the business.
- "Bank." (2) "Bank" means (A) a banking institution organized under the laws of the United States, (B) a member bank of the Federal Reserve System, (C) any other banking institution or trust company, whether incorporated or not, doing business under the laws of any State or of the United States, a substantial portion of the business of which consists of receiving deposits or exercising fiduciary powers similar to those permitted to national banks under section 11 (k) of the Federal Reserve Act, as amended, and which is supervised and examined by State or Federal authority having supervision over banks, and which is not operated for the purpose of evading the provisions of this title, and (D) a receiver, conservator, or other liquidating agent of any institution or firm included in clauses (A), (B), or (C) of this paragraph.
- 38 Stat. 262.
12 U. S. C. § 248 (k);
Supp. V, § 248 (k).
- "Broker." (3) "Broker" means any person engaged in the business of effecting transactions in securities for the account of others, but does not include a bank.
- "Commission." (4) "Commission" means the Securities and Exchange Commission.
- "Company." (5) "Company" means a corporation, a partnership, an association, a joint-stock company, a trust, or any organized group of persons, whether incorporated or not; or any receiver, trustee in bankruptcy, or similar official, or any liquidating agent for any of the foregoing, in his capacity as such.
- "Convicted." (6) "Convicted" includes a verdict, judgment, or plea of guilty, or a finding of guilt on a plea of nolo contendere, if such verdict, judgment, plea, or finding has not been reversed, set aside, or withdrawn, whether or not sentence has been imposed.
- "Dealer." (7) "Dealer" means any person regularly engaged in the business of buying and selling securities for his own account, through a broker or otherwise, but does not include a bank, insurance company, or investment company, or any person insofar as he is engaged in investing, reinvesting or trading in securities, or in owning or holding securities, for his own account, either individually or in some fiduciary capacity, but not as a part of a regular business.
- "Director." (8) "Director" means any director of a corporation or any person performing similar functions with respect to any organization, whether incorporated or unincorporated.
- "Exchange." (9) "Exchange" means any organization, association, or group of persons, whether incorporated or unincorporated, which constitutes, maintains, or provides a market place or facilities for bringing together purchasers and sellers of securities or for otherwise performing with respect to securities the functions commonly performed by a stock exchange as that term is generally understood, and includes the market place and the market facilities maintained by such exchange.
- "Interstate commerce." (10) "Interstate commerce" means trade, commerce, transportation, or communication among the several States, or between any foreign country and any State, or between any State and any place or ship outside thereof.
- "Investment adviser." (11) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities; but does not include (A) a bank, or any holding company affiliate, as defined in the Banking Act of 1933, which is not an investment company; (B) any lawyer, accountant, engineer, or teacher whose performance of such services is solely incidental to the practice of his profession;
- 48 Stat. 162, 163.
12 U. S. C. § 221a
(a), (c); Supp. V, § 221a
(a), (c).

(C) any broker or dealer whose performance of such services is solely incidental to the conduct of his business as a broker or dealer and who receives no special compensation therefor; (D) the publisher of any bona fide newspaper, news magazine or business or financial publication of general and regular circulation; (E) any person whose advice, analyses, or reports relate to no securities other than securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States, or securities issued or guaranteed by corporations in which the United States has a direct or indirect interest which shall have been designated by the Secretary of the Treasury, pursuant to section 3 (a) (12) of the Securities Exchange Act of 1934, as exempted securities for the purposes of that Act; or (F) such other persons not within the intent of this paragraph, as the Commission may designate by rules and regulations or order.

48 Stat. 884.
15 U. S. C. § 78c (a)
(12).

(12) "Investment company", "affiliated person", "control", and "insurance company" have the same meanings as in the Investment Company Act of 1940.

"Investment company," etc.

(13) "Investment supervisory services" means the giving of continuous advice as to the investment of funds on the basis of the individual needs of each client.

"Investment supervisory services."

(14) "Means or instrumentality of interstate commerce" includes any facility of a national securities exchange.

"Means or instrumentality of interstate commerce."

(15) "National securities exchange" means an exchange registered under section 6 of the Securities Exchange Act of 1934.

"National securities exchange."

(16) "Person" means a natural person or a company.

48 Stat. 885.
15 U. S. C. § 78f.
"Person."

(17) "Security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guaranty of, or warrant or right to subscribe to or purchase any of the foregoing.

"Security."

(18) "State" means any State of the United States, the District of Columbia, Alaska, Hawaii, Puerto Rico, the Philippine Islands, the Canal Zone, the Virgin Islands, or any other possession of the United States.

"State."

(19) "Underwriter" means any person who has purchased from an issuer with a view to, or sells for an issuer in connection with, the distribution of any security, or participates or has a direct or indirect participation in any such undertaking, or participates or has a participation in the direct or indirect underwriting of any such undertaking; but such term shall not include a person whose interest is limited to a commission from an underwriter or dealer not in excess of the usual and customary distributor's or seller's commission. As used in this paragraph the term "issuer" shall include in addition to an issuer, any person directly or indirectly controlling or controlled by the issuer, or any person under direct or indirect common control with the issuer.

"Underwriter."

(20) "Securities Act of 1933", "Securities Exchange Act of 1934", "Public Utility Holding Company Act of 1935", and "Trust Indenture Act of 1939", mean those Acts, respectively, as heretofore or hereafter amended.

48 Stat. 74, 881; 49 Stat. 803; 53 Stat. 1149.

(b) No provision in this title shall apply to, or be deemed to include, the United States, a State, or any political subdivision of a State, or any agency, authority, or instrumentality of any one or more of the foregoing, or any corporation which is wholly owned

Nonapplicability of provisions to U. S., etc.; exception.

directly or indirectly by any one or more of the foregoing, or any officer, agent, or employee of any of the foregoing acting as such in the course of his official duty, unless such provision makes specific reference thereto.

REGISTRATION OF INVESTMENT ADVISERS

Use of mails, etc.,
registration require-
ment.

SEC. 203. (a) Except as provided in subsection (b), it shall be unlawful for any investment adviser, unless registered under this section, to make use of the mails or any means or instrumentality of interstate commerce in connection with his or its business as an investment adviser.

Exemptions.

(b) The provisions of subsection (a) shall not apply to—

(1) any investment adviser all of whose clients are residents of the State within which such investment adviser maintains his or its principal office and place of business, and who does not furnish advice or issue analyses or reports with respect to securities listed or admitted to unlisted trading privileges on any national securities exchange;

(2) any investment adviser whose only clients are investment companies and insurance companies; or

(3) any investment adviser who during the course of the preceding twelve months has had fewer than fifteen clients and who does not hold himself out generally to the public as an investment adviser.

Application for reg-
istration.

(c) Any investment adviser, or any person who presently contemplates becoming an investment adviser, may register under this section by filing with the Commission an application for registration. Such application shall contain such of the following information, in such form and detail, as the Commission may by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors:

Information re-
quired.

(1) information in respect of—

(A) the name and form of organization under which the investment adviser engages or intends to engage in business; the name of the State or other sovereign power under which such investment adviser is organized; the location of his or its principal business office and branch offices, if any; the names and addresses of his or its partners, officers, directors, and persons performing similar functions or, if such an investment adviser be an individual, of such individual; and the number of his or its employees;

(B) the education, the business affiliations for the past ten years, and the present business affiliations of such investment adviser and of his or its partners, officers, directors, and persons performing similar functions and of any controlling person thereof;

(C) the nature of the business of such investment adviser, including the manner of giving advice and rendering analyses or reports;

(D) the nature and scope of the authority of such investment adviser with respect to clients' funds and accounts;

(E) the basis or bases upon which such investment adviser is compensated; and

(F) whether such an investment adviser or any partner, officer, director, person performing similar function or controlling person thereof (i) within ten years of the filing of such application has been convicted of any felony or misdemeanor of the character described in paragraph (1) of subsection (d), or (ii) is permanently or temporarily

enjoined by an order, judgment or decree of the character described in paragraph (2) of subsection (d) and in each case the facts relating to such conviction or injunction; and

(2) a statement as to whether such investment adviser is engaged or is to engage primarily in the business of rendering investment supervisory services.

Statement as to primary business.

Except as hereinafter provided, such registration shall become effective thirty days after receipt of such application by the Commission, or within such shorter period of time as the Commission may determine. Any amendment of an application filed not more than fifteen days after the filing of such application shall be deemed to have been filed with and as a part of such application. Any amendment of an application filed more than fifteen days after the filing of such application and before such application becomes effective shall be deemed a new application incorporating by reference the unamended items of the earlier application. Any amendment filed after the application has become effective shall become effective thirty days after the filing thereof, or at such earlier date as the Commission may order.

Effective date of registration.

Amendments.

(d) The Commission after hearing may by order deny registration to or revoke or suspend the registration of an applicant under this section, if the Commission finds that such denial, revocation, or suspension is in the public interest and that such investment adviser or any partner, officer, director, person performing similar function, or controlling person thereof—

Denial, revocation, etc., for cause.

(1) within ten years of the issuance of such order, has been convicted of any felony or misdemeanor involving the purchase or sale of any security or arising out of any conduct or practice of such investment adviser or affiliated person as an investment adviser, underwriter, broker, or dealer, or as an affiliated person or employee of any investment company, bank, or insurance company;

(2) at the time of the issuance of such order, is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, or dealer, or as an affiliated person or employee of any investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity or in connection with the purchase or sale of any security; or

(3) has violated the provisions of section 207 of this title.

(e) The commencement of a proceeding to deny registration under this section shall not operate to postpone the effective date of registration unless the Commission shall find that such postponement is necessary in the public interest and shall so order, but no such order shall operate to postpone such effective date for more than three months.

Postponement of effective date of registration.

(f) Any successor to the business of an investment adviser registered under this section shall be deemed likewise registered hereunder, if within thirty days from its succession to such business it shall file an application for registration under this section, unless and until the Commission, pursuant to subsection (d) of this section, shall deny registration to or revoke or suspend the registration of such successor.

Successor to business.

(g) Any person registered under this section may, upon such terms and conditions as the Commission finds necessary in the public interest or for the protection of investors, withdraw from registration by filing a written notice of withdrawal with the Commission. If the Commission finds that any person registered under this sec-

Withdrawal from registration.

Cancellation.

tion, or who has pending an application for registration filed under this section, is no longer in business or is not engaged in business as an investment adviser, the Commission shall by order cancel the registration of such person.

ANNUAL AND OTHER REPORTS

Filing of reports.

SEC. 204. Every investment adviser registered under section 203 of this title shall file with the Commission such annual and special reports, in such form as the Commission by rules and regulations may prescribe for the purpose of keeping reasonably current the information contained in the registration application.

INVESTMENT ADVISORY CONTRACTS

Restriction on use of mails, etc., by investment advisers.

SEC. 205. No investment adviser registered under section 203 shall make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to enter into, extend, or renew any investment advisory contract, or in any way to perform any investment advisory contract entered into, extended, or renewed on or after the effective date of this title, if such contract—

(1) provides for compensation to the investment adviser on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client;

(2) fails to provide, in substance, that no assignment of such contract shall be made by the investment adviser without the consent of the other party to the contract; or

(3) fails to provide, in substance, that the investment adviser, if a partnership, will notify the other party to the contract of any change in the membership of such partnership within a reasonable time after such change.

"Investment advisory contract" defined.

As used in this section, "investment advisory contract" means any contract or agreement whereby a person agrees to act as investment adviser or to manage any investment or trading account for a person other than an investment company. Paragraph (1) of this section shall not be construed to prohibit an investment advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period, or as of definite dates, or taken as of a definite date.

PROHIBITED TRANSACTIONS BY REGISTERED INVESTMENT ADVISERS

Prohibited transactions.

SEC. 206. It shall be unlawful for any investment adviser registered under section 203, by use of the mails or any means or instrumentality of interstate commerce, directly or indirectly—

Fraud, etc.

(1) to employ any device, scheme, or artifice to defraud any client or prospective client;

(2) to engage in any transaction, practice, or course of business which operates as a fraud or deceit upon any client or prospective client;

Acting as principal or broker for client without consent.

(3) acting as principal for his own account, knowingly to sell any security to or purchase any security from a client, or acting as broker for a person other than such client, knowingly to effect any sale or purchase of any security for the account of such client, without disclosing to such client in writing before the completion of such transaction the capacity in which he is acting and obtaining the consent of the client to such transaction. The prohibitions of this paragraph (3) shall not apply to any transaction with a customer of a broker or dealer if such broker or dealer is not acting as an investment adviser in relation to such transaction.

MATERIAL MISSTATEMENTS

SEC. 207. It shall be unlawful for any person willfully to make any untrue statement of a material fact in any registration application or report filed with the Commission under section 203 or 204, or willfully to omit to state in any such application or report any material fact which is required to be stated therein.

Material misstatements.

UNLAWFUL REPRESENTATIONS

SEC. 208. (a) It shall be unlawful for any person registered under section 203 of this title to represent or imply in any manner whatsoever that such person has been sponsored, recommended, or approved, or that his abilities or qualifications have in any respect been passed upon by the United States or any agency or any officer thereof.

Unlawful representations.

(b) No provision of subsection (a) shall be construed to prohibit a statement that a person is registered under this title or under the Securities Exchange Act of 1934, if such statement is true in fact and if the effect of such registration is not misrepresented.

Statement of fact.

(c) It shall be unlawful for any person registered under section 203 of this title to represent that he is an investment counsel or to use the name investment counsel as descriptive of his business unless such person is primarily engaged in the business of rendering investment supervisory services or unless his registration application as amended or as supplemented by the most recent report on file with the Commission states that such person is engaged or is about to engage primarily in the business of rendering investment supervisory services.

48 Stat. 881.
15 U. S. C. §§ 78a-78jj; Supp. V, §§ 78c-78jj.
Misrepresentations.

ENFORCEMENT OF TITLE

SEC. 209. (a) Whenever it shall appear to the Commission, either upon complaint or otherwise, that the provisions of this title or of any rule or regulation prescribed under the authority thereof, have been or are about to be violated by any person, it may in its discretion require, and in any event shall permit, such person to file with it a statement in writing, under oath or otherwise, as to all the facts and circumstances relevant to such violation, and may otherwise investigate all such facts and circumstances.

Investigations.

(b) For the purposes of any investigation or any proceeding under this title, any member of the Commission or any officer thereof designated by it is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records which are relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in any State or in any Territory or other place subject to the jurisdiction of the United States at any designated place of hearing.

Powers of members of Commission.

Attendance of witnesses, etc.

(c) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Commission may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, contracts, agreements, and other records. And such court may issue an order requiring such person to appear before the Commission or member or officer designated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the

Contumacy.

Court order to compel appearance.

Service of process.

Penalty.	judicial district whereof such person is an inhabitant or wherever he may be found. Any person who without just cause shall fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, contracts, agreements, or other records, if in his or its power so to do, in obedience to the subpoena of the Commission, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or both.
Self-incriminating testimony.	(d) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, contracts, agreements, or other records and documents before the Commission, or in obedience to the subpoena of the Commission or any member thereof or any officer designated by it, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.
Exemption from prosecution.	(e) Whenever it shall appear to the Commission that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this title, or of any rule, regulation, or order hereunder, it may in its discretion bring an action in the proper district court of the United States, or the proper United States court of any Territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices and to enforce compliance with this title or any rule, regulation, or order hereunder. Upon a showing that such person has engaged or is about to engage in any such act or practice, a permanent or temporary injunction or decree or restraining order shall be granted without bond. The Commission may transmit such evidence as may be available concerning any violation of the provisions of this title, or of any rule, regulation, or order thereunder, to the Attorney General, who, in his discretion, may institute the appropriate criminal proceedings under this title.
Perjury.	
Injunctions, restraining orders, etc.	
Transmittal of evidence to Attorney General.	

PUBLICITY

Availability of information in applications, etc.	SEC. 210. (a) The information contained in any registration application or report or amendment thereto filed with the Commission pursuant to any provision of this title shall be made available to the public, unless and except insofar as the Commission, by rules and regulations upon its own motion, or by order upon application, finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors. Photostatic or other copies of information contained in documents filed with the Commission under this title and made available to the public shall be furnished to any person at such reasonable charge and under such reasonable limitations as the Commission shall prescribe.
Sale of photostatic copies, etc.	(b) Subject to the provisions of subsections (c) and (e), of section 209, the Commission shall not make public the fact that any investigation under this title is being conducted, nor shall it make public the results of any such investigation, or any facts ascertained during any such investigation, except that the provisions of this subsection shall not apply—
Investigations.	(1) in the case of any hearing which is public under the provisions of section 212; or

(2) in the case of a resolution or request from either House of Congress.

(c) No provision of this title shall be construed to require, or to authorize the Commission to require any investment adviser engaged in rendering investment supervisory services to disclose the identity, investments, or affairs of any client of such investment adviser, except insofar as such disclosure may be necessary or appropriate in a particular proceeding or investigation having as its object the enforcement of a provision or provisions of this title.

Disclosure of identity or affairs of clients.

RULES, REGULATIONS, AND ORDERS

SEC. 211. (a) The Commission shall have authority from time to time to make, issue, amend, and rescind such rules and regulations and such orders as are necessary or appropriate to the exercise of the powers conferred upon the Commission elsewhere in this title. For the purposes of its rules or regulations the Commission may classify persons and matters within its jurisdiction and prescribe different requirements for different classes of persons or matters.

Rules, regulations, and orders.

(b) Subject to the provisions of the Federal Register Act and regulations prescribed under the authority thereof, the rules and regulations of the Commission under this title, and amendments thereof, shall be effective upon publication in the manner which the Commission shall prescribe, or upon such later date as may be provided in such rules and regulations.

Publication.
49 Stat. 500.
44 U. S. C., Supp. V,
§§ 301-314.

(c) Orders of the Commission under this title shall be issued only after appropriate notice and opportunity for hearing. Notice to the parties to a proceeding before the Commission shall be given by personal service upon each party or by registered mail or confirmed telegraphic notice to the party's last known business address. Notice to interested persons, if any, other than parties may be given in the same manner or by publication in the Federal Register.

Issuance of orders, notice.

(d) No provision of this title imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation, or order of the Commission, notwithstanding that such rule, regulation, or order may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

Act or omission in good faith.

HEARINGS

SEC. 212. Hearings may be public and may be held before the Commission, any member or members thereof, or any officer or officers of the Commission designated by it, and appropriate records thereof shall be kept.

Hearings.

COURT REVIEW OF ORDERS

SEC. 213. (a) Any person or party aggrieved by an order issued by the Commission under this title may obtain a review of such order in the circuit court of appeals of the United States within any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within sixty days after the entry of such order, a written petition praying that the order of the Commission be modified or set aside in whole or in part. A copy of such petition shall be forthwith served upon any member of the Commission, or upon any officer thereof designated by the Commission for that purpose, and thereupon the Commission shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm, modify, or set aside

Petition for review.

Service of copy upon Commission.

Jurisdiction of court.

such order, in whole or in part. No objection to the order of the Commission shall be considered by the court unless such objection shall have been urged before the Commission or unless there were reasonable grounds for failure so to do. The findings of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts by reason of the additional evidence so taken, and it shall file with the court such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court affirming, modifying, or setting aside, in whole or in part, any such order of the Commission shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended.

(b) The commencement of proceedings under subsection (a) shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

Findings.

Additional evidence.

Modification of findings.

Finality of court's decision.

Review by Supreme Court.

36 Stat. 1157.
28 U. S. C. §§ 346, 347; Supp. V, § 347.

Stay of Commission's order.

JURISDICTION OF OFFENSES AND SUITS

Jurisdiction of courts.

Venue.

Judgments, etc., subject to review.

36 Stat. 1133, 1157.
28 U. S. C. §§ 225, 347; Supp. V, §§ 225, 347.

27 Stat. 435.

18 D. C. Code § 26.

SEC. 214. The district courts of the United States and the United States courts of any Territory or other place subject to the jurisdiction of the United States shall have jurisdiction of violations of this title or the rules, regulations, or orders thereunder, and, concurrently with State and Territorial courts, of all suits in equity to enjoin any violation of this title or the rules, regulations, or orders thereunder. Any criminal proceeding may be brought in the district wherein any act or transaction constituting the violation occurred. Any suit or action to enjoin any violation of this title or rules, regulations, or orders thereunder, may be brought in any such district or in the district wherein the defendant is an inhabitant or transacts business, and process in such cases may be served in any district of which the defendant is an inhabitant or transacts business or wherever the defendant may be found. Judgments and decrees so rendered shall be subject to review as provided in sections 128 and 240 of the Judicial Code, as amended, and section 7, as amended, of the Act entitled "An Act to establish a court of appeals for the District of Columbia", approved February 9, 1893. No costs shall be assessed for or against the Commission in any proceeding under this title brought by or against the Commission in any court.

VALIDITY OF CONTRACTS

Void conditions, etc.

Contracts in violation of designated provisions.

SEC. 215. (a) Any condition, stipulation, or provision binding any person to waive compliance with any provision of this title or with any rule, regulation, or order thereunder shall be void.

(b) Every contract made in violation of any provision of this title and every contract heretofore or hereafter made, the performance of which involves the violation of, or the continuance of any relationship or practice in violation of any provision of this title, or any rule, regulation, or order thereunder, shall be void (1) as regards the rights of any person who, in violation of any such provision, rule, regulation, or order, shall have made or engaged in the performance

of any such contract, and (2) as regards the rights of any person who, not being a party to such contract, shall have acquired any right thereunder with actual knowledge of the facts by reason of which the making or performance of such contract was in violation of any such provision.

ANNUAL REPORTS OF COMMISSION

SEC. 216. The Commission shall submit annually a report to the Congress covering the work of the Commission for the preceding year and including such information, data, and recommendations for further legislation in connection with the matters covered by this title as it may find advisable.

Annual reports.

PENALTIES

SEC. 217. Any person who willfully violates any provision of this title shall, upon conviction, be fined not more than \$10,000, imprisoned for not more than two years, or both.

Penalties.

EMPLOYEES OF THE COMMISSION

SEC. 218. For the purposes of this title, the Commission may select, employ, and fix the compensation of such attorneys, examiners, and other experts as shall be necessary for the transaction of the business of the Commission in respect of this title without regard to the provisions of other laws applicable to the employment and compensation of officers or employees of the United States; and the Commission may, subject to the civil-service laws, appoint such other officers and employees as are necessary in the execution of the functions of the Commission and fix their salaries in accordance with the Classification Act of 1923, as amended.

Employment of experts.

42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

SEPARABILITY OF PROVISIONS

SEC. 219. If any provision of this title or the application of such provision to any person or circumstances shall be held invalid, the remainder of the title and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Separability of provisions.

SHORT TITLE

SEC. 220. This title may be cited as the "Investment Advisers Act of 1940".

Short title.

EFFECTIVE DATE

SEC. 221. This title shall become effective on November 1, 1940.

Effective date.

TITLE III—AMENDMENT OF SECURITIES ACT OF 1933

SEC. 301. Section 8 (a) of the Securities Act of 1933, as amended, is amended to read as follows:

48 Stat. 79.
15 U. S. C. § 77h (a).

"SEC. 8. (a) Except as hereinafter provided, the effective date of a registration statement shall be the twentieth day after the filing thereof or such earlier date as the Commission may determine, having due regard to the adequacy of the information respecting the issuer theretofore available to the public, to the facility with which the nature of the securities to be registered, their relationship to the capital structure of the issuer and the rights of holders thereof can be understood, and to the public interest and the protection of investors. If any amendment to any such statement is filed prior to the effective date of such statement, the registration statement shall be deemed to

Effective date of registration statement.

Amendments.

have been filed when such amendment was filed; except that an amendment filed with the consent of the Commission, prior to the effective date of the registration statement, or filed pursuant to an order of the Commission, shall be treated as a part of the registration statement."

Approved, August 22, 1940.

[CHAPTER 687]

AN ACT

August 22, 1940

[S. 3954]

[Public, No. 769]

Relating to the issuance by the Secretary of the Interior of a patent to the State of Minnesota for certain lands in that State.

Minnesota.
Issuance of patent
to, for tract of land.

Description.

Condition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may cancel the patent issued on August 24, 1886, to Joe Blair, as allottee numbered 4 of the Fond du Lac Indian Reservation, Minnesota, for the north half of the northeast quarter of section 30, township 49 north, range 17 west, of the fourth principal meridian in Minnesota, and may issue to the State of Minnesota as a fee-simple patent for the tract of land described. If issued, the fee-simple patent shall operate as a full and complete conveyance of any and all right, title, or interest that the heirs of Joe Blair, deceased allottee numbered 4 of the Fond du Lac Indian Reservation, Minnesota, and that the United States of America may have in and to said described lands. Prior to the issuance of such patent, the Secretary of the Interior may require the State of Minnesota, at its expense, to furnish satisfactory evidence that there are no outstanding liens, encumbrances, or other conveyances of record against said lands other than the original patent issued under date of August 24, 1886, to the said Joe Blair covering the lands hereinabove described.

Approved, August 22, 1940.

[CHAPTER 688]

AN ACT

August 22, 1940

[H. R. 5403]

[Public, No. 770]

To provide for the deposit of certain collections for overtime immigration services to the credit of the appropriation chargeable with the payment for such services, and for other purposes.

Immigration Serv-
ices.
Deposit of collec-
tions for over-
time services.
8 U. S. C. §§ 109a,
109b.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That moneys collected on or after July 1, 1941, as extra compensation for overtime service of inspectors and employees of the Immigration Service pursuant to the Act of March 2, 1931 (46 Stat. 1467), shall be deposited in the Treasury of the United States to the credit of the appropriation for the payment of salaries, field personnel of the Immigration and Naturalization Service, and the appropriation so credited shall be available for the payment of such compensation.

Approved, August 22, 1940.

[CHAPTER 689]

JOINT RESOLUTION

August 27, 1940

[S. J. Res. 286]

[Pub. Res., No. 96]

To strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service.

National defense.
Ordering of Army
reserve components,
etc., into active mili-
tary service.
Post, p. 966.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That during the period ending June 30, 1942, the President be, and is hereby, authorized from time to time to order into the active military service of the United States for a period of twelve consecutive months each, any

or all members and units of any or all reserve components of the Army of the United States (except that any person in the National Guard of the United States under the age of 18 years so ordered into the active military service shall be immediately issued an honorable discharge from the National Guard of the United States), and retired personnel of the Regular Army, with or without their consent, to such extent and in such manner as he may deem necessary for the strengthening of the national defense: *Provided*, That the members and units of the reserve components of the Army of the United States ordered into active Federal service under this authority shall not be employed beyond the limits of the Western Hemisphere except in the territories and possessions of the United States, including the Philippine Islands.

Persons in National Guard under 18 years of age.

Proviso.
Service limited to Western Hemisphere; exception.

SEC. 2. All National Guard, Reserve, and retired personnel ordered into the active military service of the United States under the foregoing special authority, shall from the dates on which they are respectively required by such order to report for duty in such service, be subject to the respective laws and regulations relating to enlistments, reenlistments, employment, conduct, rights, and privileges, and discharge of such personnel in such service to the same extent in all particulars as if they had been ordered into such service under existing general statutory authorizations.

Applicability of enlistment laws, etc.

SEC. 3. (a) Any member of any reserve component of the land or naval forces who is on active duty or who may be assigned to active duty and who, in the judgment of those in authority over him, satisfactorily completes such active duty, and any person so ordered into the active military service of the United States who, in the judgment of those in authority over him, satisfactorily completes the period of service required under this joint resolution, shall be entitled to a certificate to that effect upon the completion of such active duty or such period of service, which shall include a record of any special proficiency or merit attained. In addition, each such person who is assigned to such active duty or ordered into such active military service shall be given a physical examination at the beginning of such active duty or service and a medical statement showing any physical defects noted upon such examination; and upon the completion of the period of such active duty or service, each such person shall be given another physical examination and shall be given a medical statement showing any injuries, illnesses or disabilities suffered by him during such period of active duty or service.

Certificate showing service record, etc.

Physical examinations; medical statements.

(b) In the case of any such person who, in order to perform such active duty or such service, has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within forty days after he is relieved from such active duty or service—

Reemployment upon discharge.

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status and pay;

By U. S. Government, etc.

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

By private employer.

(C) if such position was in the employ of any State or political subdivision thereof it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status and pay.

By State, etc.

Reemployment without loss of seniority, etc.
Post, p. 891.

Discharge restriction.

Proceedings against noncomplying employers.
Post, p. 891.

Hearing.
U. S. district attorneys to represent claimants.

Proviso.
Fees, etc., not to be taxed against claimant.
Resignation, etc., of certain reserve members having dependents.

Benefits of designated Act extended to personnel on active duty.
40 Stat. 440.
Post, p. 1191.

Inoperative provisions.
40 Stat. 440, 441, 444, 447, 449.

"Persons in military service."

"Period of military service."

Suspension of conflicting laws.

(c) Any person who is restored to a position in accordance with the provisions of paragraphs (A) or (B) of subsection (b) shall be so restored without loss of seniority, insurance participation or benefits, or other benefits, and such person shall not be discharged from such position without cause within one year after such restoration.

(d) In case any private employer fails or refuses to comply with the provisions of subsection (b) or subsection (c), the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions. The court shall order a speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States district attorney for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States district attorney, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions: *Provided*, That no fees or court costs shall be taxed against the person so applying for such benefits.

(e) Any member of any reserve component of the Army of the United States below the rank of captain who is ordered into the active military service of the United States pursuant to this joint resolution, who has any person or persons dependent solely upon him for support, and who has no other means of support except the wages, salary or other compensation for personal services that he earns, may resign or shall be discharged upon his own request made within twenty days of the date of his entry into such active military service.

SEC. 4. (a) The benefits of the Soldiers and Sailors Civil Relief Act, approved March 8, 1918, are hereby extended to all National Guard, Reserve, and retired personnel ordered into the active military service under authority of this joint resolution, so long as such personnel are in such service and for sixty days thereafter, and except as hereinafter provided, the provisions of such Act shall be effective for such purposes.

(b) For the purposes of this section—

(1) the following provisions of such Act of March 8, 1918, shall be inoperative: Section 100; and paragraphs (1), (2), and (5) of section 101; article 4; article 5; paragraph (2) of section 601; and section 603.

(2) the term "persons in military service", when used in such Act, shall be deemed to mean persons ordered into the active military service under the authority of this joint resolution.

(3) the term "period of military service", when used in such Act, when applicable with respect to any person, shall be deemed to mean the period beginning with the date on which such person is ordered into such active military service and ending with the date on which he is relieved from such service.

SEC. 5. All laws and parts of laws in conflict herewith are hereby suspended to the extent that they may be in conflict with any provision hereof.

Approved, August 27, 1940.

[CHAPTER 690]

AN ACT

Authorizing the Secretary of the Interior to furnish mats for the reproduction in magazines and newspapers of photographs of national park scenery.

August 27, 1940

[S. 769]

[Public, No. 771]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to have prepared mats which may be used for the reproduction in magazines and newspapers of photographs of such of the scenery in the national parks as, in the opinion of the Secretary, would be of interest to the people of the United States and foreign nations. Any such mats may be furnished, without charge and under such regulations as the Secretary may prescribe, to the publishers of magazines, newspapers, and any other publications which may carry photographic reproductions.

Photographs of national park scenery. Preparation of mats for magazines, etc.

No charge for mats.

SEC. 2. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1941, the sum of \$3,000 for the purpose of carrying out the provisions of this Act.

Appropriation authorized.
Post, p. 1042.

Approved, August 27, 1940.

[CHAPTER 691]

AN ACT

Granting to certain claimants the preference right to purchase certain public lands in the State of Florida.

August 27, 1940

[S. 3975]

[Public, No. 772]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, in his discretion, is hereby authorized to sell, in the manner hereinafter provided, lots 3, 4, and 5, section 10, lots 3, 4, 5, and 6, section 11, lots 1 and 2, section 14, township 3 south, range 17 west, Tallahassee meridian, Florida, which lands were omitted from the original survey due to the erroneous meanders of the Gulf of Mexico and shown upon the official plat of the original survey as a water-covered area.

Florida.
Sale of designated public lands authorized.

SEC. 2. Any owner in good faith of land in sections 10, 11, and 14, township 3 south, range 17 west, shown by the official plat of the original survey approved May 22, 1849, to be bounded by the Gulf of Mexico, but which in fact is bounded by the omitted area as shown by plat of survey accepted March 6, 1939, and who acquired title to such land prior to this enactment, or any citizen of the United States who in good faith under color of title or claiming as a riparian owner has, prior to this Act, placed valuable improvements upon or reduced to cultivation any of the lands subject to the operation of this Act, shall have a preferred right to purchase the erroneously omitted land lying adjacent to his privately owned land, or to purchase the land thus improved by him, respectively, at any time within ninety days from the date of the passage of this Act. Every application to purchase must be filed in the General Land Office and must be accompanied with satisfactory proof that the applicant is entitled to such preference right and that the lands which he applies to purchase are not in the legal possession of an adverse claimant under the public land laws. The term "citizen" as herein used shall include any association of citizens, and a corporation organized under the laws of any State and authorized to engage in business in the State of Florida. In event that any such applicant shall have contracted to convey or attempted to convey title to any of the above-described lands with covenants of warranty, express or implied, he may be allowed to make such purchase and to obtain patent in trust for the persons holding under such contract or conveyance, as their interests may appear.

Preferred rights to purchase.

Application to purchase.

"Citizen" construed.

Contract to convey, etc., lands with covenants of warranty.

Appraisal of lands.

SEC. 3. Upon the filing of an application to purchase any lands subject to the operation of this Act, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal exclusive of any increased value resulting from the development or improvement thereof by the applicant or his predecessor in interest.

Issuance of patent upon payment of appraised value.

SEC. 4. An applicant to purchase under the provisions of this Act, in order to be entitled to a patent, must, within three months from receipt of notice of appraisal, pay to the Commissioner of the General Land Office the appraised value of the lands, and thereupon a patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this Act. The proceeds from such sales shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

Proceeds covered into Treasury.

Rules and regulations.

SEC. 5. The Secretary of the Interior is hereby authorized to prescribe all necessary rules and regulations for administering the provisions of this Act and determining conflicting claims arising hereunder.

Mineral rights reserved.

SEC. 6. All purchases made and patents issued under the provisions of this Act shall be subject to and contain a reservation to the United States of all the coal, oil, gas, and other minerals in the lands so purchased and patented, together with the right to prospect for, mine, and remove the same.

Approved, August 27, 1940.

[CHAPTER 692]

AN ACT

August 27, 1940
[S. 4011]
[Public, No. 773]

To authorize the Secretary of the Interior to accept payment of an annual equitable overhead charge in connection with the repayment contract between the United States and the Strawberry Water Users' Association of Payson, Utah, in full satisfaction of delinquent billings upon the basis of an annual fixed overhead charge, and for other purposes.

Strawberry Water Users' Association, Payson, Utah.
Payment by, of annual overhead charge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in connection with any amendment heretofore or hereafter made to the repayment contract between the Strawberry Water Users' Association of Payson, Utah, and the United States, dated September 28, 1926, as amended, to pay construction charges under the provisions of the Federal reclamation laws providing for payment annually of an amount as is determined by the Secretary each year to be sufficient to cover the Strawberry Valley project's equitable portion of the expense of the Chief Engineer's office, the field legal office, and the other detached offices of the Bureau of Reclamation, the Secretary of the Interior is authorized, subsequent to the effective date of such an amendment, to accept in full satisfaction for all flat overhead charges owing or allocable to the period up to the effective date of the amendment under the contract provisions in effect prior to such amendment a sum determined at the rate of \$400 for each year.

Approved, August 27, 1940.

[CHAPTER 693]

AN ACT

August 27, 1940
[S. 4137]
[Public, No. 774]

Relating to transportation of foreign mail by aircraft.

Postal Service.
Transportation of foreign mail by aircraft.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where, pursuant to the provisions of subsection (i) (2) of section 405 of the Civil Aeronautics Act of 1938, approved June 23, 1938 (52

Stat. 973; U. S. C., 1934 edition, Supp. V, title 49, sec. 401, and the following), the Postmaster General shall have heretofore fixed and put into effect, or shall hereafter fix and put into effect, the rates of compensation to be charged foreign countries for the transportation of their mail by air carriers and where the collections from such foreign countries of the amounts owing by them for such transportation are required by such subsection to be made by the United States for the account of such air carriers, the Postmaster General may simplify and expedite the settlement of accounts for such carriage by offsetting against any balance due a foreign country resulting from the transaction of international money order business or otherwise, such amounts as may be then due from such country to the United States and to the United States for the account of such carriers; and the Postmaster General and the General Accounting Office shall thereupon give the foreign country involved the appropriate credit for such payment by offset, paying to the carrier that portion of the amount so charged as may be owing to the carrier for its services in transporting the mail of such foreign country and depositing as "miscellaneous postal receipts" that portion of the amount so charged as may be due the United States on its own account: *Provided*, That no adjustment of accounts authorized by this Act shall apply to appropriations for fiscal years prior to the fiscal year 1940: *Provided further*, That any adjustments made under the authority of this section shall be subject to the right of the United States to deduct from any sums due or thereafter becoming due to a carrier such amounts as may have been paid it on account of foreign countries which amounts, for any reason, the United States shall have been unable to collect, either by offset or otherwise, from the debtor country.

SEC. 2. In any case where collections are to be made by the United States from a foreign country for the transportation of mails of such countries for the account of an air carrier pursuant to section 405 (i) (2) of the Civil Aeronautics Act, whether such transportation occurred before or after the passage of this Act, the Postmaster General, taking into consideration the state of the balance carried in the appropriation, in his discretion, is hereby authorized to make advances to such air carrier out of sums appropriated for "balances due foreign countries", upon determination by the Postmaster General from time to time of the amounts due from any such foreign countries for transportation, and thereafter such amounts shall be collected by the United States from foreign countries by set-off, or otherwise, in the manner hereinbefore provided, and the appropriation for payment of "balances due foreign countries" shall be reimbursed by collections so made by the United States: *Provided, however*, That if the United States shall fail to collect any such amount or any part of such amount from such foreign country owing same within twelve months after the United States has paid such amount to the carrier, the United States may deduct such uncollected amounts from any sums owing by it to the carrier.

SEC. 3. The General Accounting Office shall make the necessary credits and debits in the respective appropriations and accounts involved and adopt such procedure as may be necessary to conform to and effect the purposes of this Act.

Approved, August 27, 1940.

52 Stat. 996.
49 U. S. C., Supp. V,
§ 485 (i) (2).

Settlement of accounts for carriage.

Payment to carrier, etc.

Provisos.
Adjustments not applicable prior to fiscal year 1940.
Adjustments subject to deductions.

Advances to carriers on foreign accounts.

52 Stat. 996.
49 U. S. C., Supp. V,
§ 485 (i) (2).

Collection by set-off, etc.

Proviso.
Deduction of uncollected amounts from sums owing to carriers.

Accounting.

[CHAPTER 694]

AN ACT

August 27, 1940
[H. R. 10030]
[Public, No. 775]

Increasing the number of naval aviators in the line of the Regular Navy and Marine Corps, and for other purposes.

Naval Aviation Personnel Act of 1940.

Naval aviators.
Appointments from
Naval and Marine
Corps Reserve.

Grade and precedence.

Provisos.
Moral, etc., qualifications.

Active service requirement; age.

Waiver of service, etc., requirements.

Aviators having year or more of active service.

Additional numbers in grade.

Credit for longevity.

Eligibility for promotion, etc.

Sea service.
34 U. S. C., Supp. V,
§ 311.

Disability and death benefits.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Naval Aviation Personnel Act of 1940".

SEC. 2. The President of the United States is authorized to appoint to the line of the Regular Navy and Marine Corps, by and with the advice and consent of the Senate, as many naval aviators of the Naval and Marine Corps Reserve as he may deem necessary and the authorized number of commissioned officers of the line of the Navy and the Marine Corps is increased accordingly. These officers shall be appointed to the same grade occupied by them in the Naval or Marine Corps Reserve, as the case may be, at the time of such appointment and shall take precedence in such grade in accordance with the provisions of section 8 (e) of this Act: *Provided*, That they shall first establish their moral, physical, mental, and professional qualifications in accordance with such rules and regulations as the Secretary of the Navy may prescribe: *Provided further*, That officers so appointed shall, on June 30 of the calendar year in which they are appointed, have completed not less than eighteen months of continuous active service next following the completion of their duty as aviation cadets undergoing training and shall, on June 30 of the calendar year in which appointed, be less than twenty-six years of age: *Provided further*, That during a period of six months from the date of approval of this Act the Secretary of the Navy is authorized to waive the foregoing age requirement and continuous service requirements: *Provided further*, That during a period of six months from the date of approval of this Act those naval aviators who have not undergone training as aviation cadets but who have completed not less than one year of active service other than training duty in the Naval or Marine Corps Reserve may also be so appointed regardless of their age. Officers appointed under the authority of this proviso shall, upon appointment, be additional numbers in the grade to which appointed and in any grade to which they may thereafter be promoted: *And provided further*, That in computing the pay of officers appointed under the authority of this Act, credit for longevity shall be given them for all service, including service as aviation cadets, with which they have heretofore been credited.

SEC. 3. Each officer appointed pursuant to this Act to the grade of ensign or second lieutenant and each officer so appointed to a grade above that of ensign or second lieutenant shall, respectively, become eligible for promotion, or for consideration by a line selection board as of the date the line officer next junior to him at the date of appointment becomes so eligible. The qualification of sea service prescribed in section 11 (c) of the Act of June 23, 1938 (52 Stat. 948), shall not apply to such officers while in the grade to which originally appointed.

SEC. 4. All officers, nurses, warrant officers, and enlisted men of the United States Naval Reserve or United States Marine Corps Reserve, who, if called or ordered into active naval or military service by the Federal Government for extended naval or military service in excess of thirty days, suffer disability or death in line of duty from disease or injury while so employed shall be deemed to have been in the active naval service during such period, and they or their beneficiaries shall be in all respects entitled to receive the same pensions, compensation, retirement pay, and hospital benefits as are now or may hereafter be provided by law or regulation for officers, warrant officers, nurses, and enlisted men of corresponding grades and

length of service of the Regular Navy or Marine Corps: *Provided*, That if a person who is eligible for the benefits prescribed by this Act be also eligible for pension under the provisions of the Act of June 23, 1937 (50 Stat. 305), compensation from the United States Employees' Compensation Commission under the provisions of section 304 of the Naval Reserve Act of 1938 (52 Stat. 1181) or retired pay under the provision of section 310 of the Naval Reserve Act of 1938 (52 Stat. 1183), he shall elect which benefit he shall receive.

SEC. 5. Sections 6 and 8 of the Naval Aviation Reserve Act of 1939 (53 Stat. 820; U. S. C., Supp. V, title 34, secs. 849d and 849f) are hereby repealed.

SEC. 6. When officers commissioned in the Naval or Marine Corps Reserve pursuant to the Naval Aviation Reserve Act of 1939 are released from active duty that has been continuous for one or more years, they shall be paid a lump sum of \$500 for each complete year of active service other than duty as aviation cadets undergoing training and if released from active duty otherwise than upon their own request or as a result of disciplinary action, this lump-sum payment shall be prorated for fractional parts of each year of such service. The lump-sum payments authorized herein shall be in addition to any pay, allowances, compensation, or benefits which they may otherwise be entitled to receive.

SEC. 7. The Secretary of the Navy is authorized, in his discretion, to distribute the enlisted personnel of the Marine Corps among the various grades in such numbers as he deems to be to the best interests of the naval service.

SEC. 8. The Naval Reserve Act of 1938, approved June 25, 1938 (52 Stat. 1175), as amended, is hereby amended as follows:

(a) Section 7, title I, by inserting after the words "commissioned officers" in line 1 of said section the words "exclusive of chief warrant officers", by inserting after the word "midshipmen", in lines 8 and 13, page 1177, the words "chief warrant officers", and by inserting after the word "days" in line 28, page 1177, the following provisos: "*Provided further*, That no chief warrant officer promoted to other commissioned grade or warrant officer promoted to chief warrant officer or other commissioned grade shall suffer any reduction of pay by reason of such promotion: *Provided further*, That all periods during which chief warrant officers have held commissions in the Naval Reserve shall be included in computing their pay as provided in the Act of February 16, 1929 (45 Stat. 1186)";

(b) Section 309, title III, by deleting the word "thirty", in line 5 of said section, and inserting in lieu thereof the word "twenty";

(c) Section 312, title III, delete the second proviso beginning on line 8, page 1184, and insert in lieu thereof the following: "*Provided further*, That hereafter all officers of the Naval Reserve and the Marine Corps Reserve who may be advanced to a higher grade or rank in time of peace or in time of war or national emergency under the provisions of this Act, shall be allowed the pay and allowances of the higher grade or rank from the dates of rank as stated in their commissions, as distinguished from the dates of commission, or dates of acceptance of commission, and the dates of rank as stated in their commissions shall be conclusive for all purposes".

(d) Section 313, title III, by inserting after the word "Navy", in line 5 of said section, a comma and the words "including drills performed on Sunday,".

(e) "SEC. 311. In time of peace, officers of the Naval Reserve shall take precedence according to such regulations as the Secretary of the Navy may prescribe: *Provided*, That when mobilized with the Regular Navy for war or a national emergency, each officer of the Naval Reserve shall take precedence next after that officer of the

Proviso.
Election of benefits.

38 U. S. C., Supp. V,
note at end of ch. 12.

34 U. S. C., Supp. V,
§ 855c.

34 U. S. C., Supp. V,
§ 855i.
Repeal.

Service bonus.
53 Stat. 819.
34 U. S. C., Supp. V,
§§ 849-849i, 842, 844,
853c, 850, ch. 14 (note).

In addition to pay,
etc.

Distribution of des-
ignated personnel.

Naval Reserve Act
of 1938, amendments.

34 U. S. C., Supp. V,
§ 853e.

Provisos.
Promotion of war-
rant officers; no pay
reduction.

Computation of
pay.

37 U. S. C. §§ 5, 11,
14.

34 U. S. C., Supp. V,
§ 855h.

34 U. S. C., Supp. V,
§ 855k.
Proviso.
Advancements; pay
and allowances.

34 U. S. C., Supp. V,
§ 855l.

34 U. S. C., Supp. V,
§ 855j.
Peacetime preced-
ence of Naval Re-
serve officers.
Provisos.
Precedence when
mobilized, etc.

Precedence of appointments after declaration of war, etc.

34 U. S. C. § 735.

Regular Navy of the same rank or grade whose length of service in such rank or grade on the date of the declaration of such national emergency or war is one-half or the nearest one-half of that of the Reserve officer: *Provided further*, That a Naval Reserve officer appointed after the declaration of the war or national emergency shall take precedence, upon reporting for active duty, next after the officer of the Regular Navy of the same rank or grade whose length of service in such rank or grade on the date the Reserve officer reports for active duty, is one-half or the nearest one-half of that of the Reserve officer."

SEC. 9. The Act of June 24, 1926, entitled "An Act to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of operating personnel in connection therewith" (44 Stat. 766) is hereby amended by deleting the word "rigid" in line 10 of paragraph 1 of section 3.

Approved, August 27, 1940.

[CHAPTER 695]

AN ACT

To permit American vessels to assist in the evacuation from the war zones of certain refugee children.

August 27, 1940
[H. R. 10213]
[Public, No. 776]

Neutrality Act of 1939, amendment.
Ante, pp. 7, 611.
22 U. S. C., Supp. V, § 245 j-3.

Evacuation of refugee children by American vessels.
Ante, pp. 4, 7.
22 U. S. C., Supp. V, §§ 245 j-1, 245 j-2.

Safe conduct.
Ante, p. 4.

Markings on vessels.

Proviso.
American sponsors.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4, as amended, of the Neutrality Act of 1939 is amended by inserting "(a)" after "SEC. 4." and by adding at the end thereof the following new subsection:

"(b) The provisions of sections 2 (a) and 3 shall not prohibit a vessel, in ballast, unarmed, and not under convoy, and transporting refugee children, under sixteen years of age, from war zones, or combat areas, and shall not prohibit such vessel entering into such war zones or combat areas for this purpose, together with such necessary American citizen adult personnel in charge as may be approved by the Secretary of State, subject to the provisions of the immigration laws, if such vessel is proceeding under safe conduct granted by all of the States named in the proclamations issued under the authority of section 1 (a), and if such vessel has painted on a large scale prominently, distinctly, and unmistakably on each side thereof and upon the superstructure thereof plainly visible from the air an American flag and a statement to the effect that such vessel is a refugee-child rescue ship of the United States or under United States registry: *Provided*, That every such child so brought into the United States shall, previous to departure from the port of embarkation, have been so sponsored by some responsible American person, natural or corporate, that he will not become a public charge."

Approved, August 27, 1940.

[CHAPTER 704]

AN ACT

For the relief of the Greenlee County Board of Supervisors.

August 27, 1940
[S. 2997]
[Public, No. 777]

Greenlee County Board of Supervisors, Clifton, Ariz.
Payment to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Greenlee County Board of Supervisors at Clifton, Arizona, the sum of \$1,700 in full satisfaction of the claim of said board of supervisors against the United States arising out of damage to the

Greenlee County Fair Grounds at Duncan, Arizona, caused by employees of the Soil Conservation Service between July 23, 1934, and March 25, 1939: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 27, 1940.

Proviso.
 Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 705]

AN ACT

To provide for the transfer of the duplicates of certain books in the Library of Congress to the Beaufort Library of Beaufort, South Carolina.

August 30, 1940
 [H. R. 10004]
 [Public, No. 778]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to replace the books taken in 1862 by the order of an officer of the United States from the library of the Beaufort Library Society of Beaufort, South Carolina, which books were subsequently destroyed by a fire in the Smithsonian Institution where they had been stored for safekeeping pending the termination of the War between the States, the Librarian of the Library of Congress is authorized and directed to transfer to the Beaufort Library of Beaufort, South Carolina, books of the same value as those which were so taken and destroyed. The books transferred under the provisions of this Act shall be from duplicates owned by the Library of Congress and shall not exceed in value, in the aggregate, the value of the books so taken and destroyed, such values to be fixed by the Librarian of the Library of Congress.

Beaufort Library,
 Beaufort, S. C.
 Transfer of books to.

Limitation on value.

Approved, August 30, 1940.

[CHAPTER 706]

AN ACT

To increase the number of midshipmen at the United States Naval Academy.

September 4, 1940
 [S. 4271]
 [Public, No. 779]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That until September 14, 1940, the President is authorized to appoint as additional midshipmen at large at the Naval Academy those competitive and alternate candidates designated for admission in the calendar years 1939 and 1940 who were found mentally qualified therefor prior to the date of this Act but were not accepted for reasons other than physical disqualification: *Provided*, That no such candidate shall be eligible for admission who was more than twenty years of age on April 1, 1940.

U. S. Naval Academy.
 Appointment of additional midshipmen.

Proviso.
 Age limitations.

Approved, September 4, 1940.

[CHAPTER 715]

AN ACT

To amend the Federal Aid Act, approved July 11, 1916, as amended and supplemented, and for other purposes.

September 5, 1940
 [H. R. 9576]
 [Public, No. 780]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural

Federal Highway Act of 1940.

23 U. S. C., chs. 1, 2; Supp. V, chs. 1, 2. Federal-aid highway system. Appropriations authorized.

Secondary or feeder roads. Appropriations authorized.

Use of Federal funds without matching State funds in certain cases.

23 U. S. C. § 55.

23 U. S. C. §§ 1-25; Supp. V, §§ 2a-24a.

Proviso. Expenditures from standpoint of national defense.

Hawaii. Use of unexpended road funds.

Federal participation in project work.

post roads, and for other purposes", approved July 11, 1916 (39 Stat. 355), and all Acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, to be expended according to the provisions of such Act as amended and supplemented: The sum of \$100,000,000 for the fiscal year ending June 30, 1942, and the sum of \$100,000,000 for the fiscal year ending June 30, 1943.

SEC. 2. For the purpose of continuing the provisions of section 7 of the Act of June 16, 1936 (49 Stat. 1521), there is hereby authorized to be appropriated the sum of \$17,500,000 for the fiscal year ending June 30, 1942, and the sum of \$17,500,000 for the fiscal year ending June 30, 1943; said sums to be expended on secondary or feeder roads, including farm-to-market roads, rural-free-delivery mail roads, and public-school bus routes.

SEC. 3. If within the fiscal years 1942 and 1943 the Federal Works Administrator shall find with respect to any State (1) that the proceeds of all special taxes on motor-vehicle transportation, as referred to in section 12 of the Act of June 18, 1934 (48 Stat. 995), as amended, are applied to highway purposes as defined in said section; (2) that at least 90 per centum of such proceeds are applied to the administrative and operating expenses of the State highway department, the maintenance of the State and Federal-aid highway systems, and the payment of interest on, and the amortization of, bond obligations of the State for the payment of which such revenues have heretofore been pledged; and (3) that the portion of the proceeds of all such special taxes then available for construction and reconstruction, together with funds available to the State from any other sources for highway purposes, will be insufficient to match all, or any part, of the regular and secondary Federal-aid road funds apportioned to such State for such fiscal years in accordance with the provisions of the Federal Highway Act (42 Stat. 212), as amended and supplemented, then such portion of such apportionment as the Federal Works Administrator shall find the State is unable to match shall be made available for expenditure in such State in accordance with said Federal Highway Act without being matched by the State: *Provided*, That any such funds made available to any State without being matched by the State shall be expended by the State on the system of Federal-aid highways and on secondary roads in the construction of projects desirable from the standpoint of national defense.

SEC. 4. Any balances of the regular and secondary Federal-aid road funds apportioned for the fiscal years 1939 and 1940 to the Territory of Hawaii which may remain unexpended at the close of the period of their availability shall be available thereafter for expenditure in such Territory by the Public Roads Administrator in the construction of projects desirable from the standpoint of the national defense, and the Commissioner of Public Roads is hereby empowered to enter into any agreements which he may deem necessary with the Territory of Hawaii setting forth the method by which such construction work shall be performed and the conditions which shall apply thereto, and he is further authorized, at his discretion, to pay all or any part of the costs incurred after approval of any such project, including the cost of surveys, the preparation of plans, specifications and estimates, and of necessary new or additional rights-of-way, and to make advances to such Territory under appropriate safeguards to enable it to make prompt payments to contractors on projects that may be agreed shall be constructed under contracts to be let and supervised by the Territory.

SEC. 5. For the elimination of hazards to life at railroad grade crossings including the separation or protection of grades at crossings, the reconstruction of existing railroad-grade-crossing structures, and the relocation of highways to eliminate grade crossings, there is hereby authorized to be appropriated, to be apportioned on or before the 1st day of January of each year preceding the fiscal year for which it is authorized among the several States in accordance with the provisions of the Federal Highway Act (42 Stat. 212), as amended and supplemented, except that such apportionment shall be one-half on population as shown by the latest decennial census, one-fourth on the mileage of the Federal-aid highway system as determined by the Federal Works Administrator, and one-fourth on the railroad mileage as determined by the Interstate Commerce Commission, and to be expended in accordance with said Federal Highway Act, as amended and supplemented, except that no part of such funds apportioned to any State need be matched by the State: The sum of \$20,000,000 for the fiscal year ending June 30, 1942, and the sum of \$20,000,000 for the fiscal year ending June 30, 1943.

SEC. 6. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$7,000,000 for the fiscal year ending June 30, 1942, and the sum of \$7,000,000 for the fiscal year ending June 30, 1943: *Provided*, That hereafter appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary of Agriculture and the Federal Works Administrator; and (2) for forest development roads and trails the sum of \$3,000,000 for the fiscal year ending June 30, 1942, and the sum of \$3,000,000 for the fiscal year ending June 30, 1943: *And provided further*, That the apportionment for forest highways in Alaska shall be for each of the fiscal years \$500,000 and that such additional amount as otherwise would have been apportioned to Alaska for each of said fiscal years shall be apportioned among those States, including Puerto Rico, whose forest highway apportionment for such fiscal year otherwise would be less than 1 per centum of the entire apportionment for forest highways for that fiscal year: *And provided further*, That apportionments among those States, including Puerto Rico, whose forest highway apportionments for such fiscal year otherwise would be less than 1 per centum of the entire apportionment for forest highways for that fiscal year may be made without regard to the provisions of said section 23 relating to apportionments, but in no case shall the apportionment to any State under this provision be in excess of 20 per centum of the total of funds affected thereby, and the total of the apportionments to each State during the six-year period beginning with the fiscal year 1942 shall equal the total of the apportionments that would have been made to each State during such period if the discretionary power conferred by this proviso had not been exercised.

SEC. 7. For the purpose of carrying out the provisions of section 3 of the Federal Highway Act (42 Stat. 212), as amended by the Act of June 24, 1930 (46 Stat. 805), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations the sum of \$1,500,000 for the fiscal year ending June 30, 1942, and the sum of \$1,500,000 for the fiscal year ending June 30, 1943, to remain available until expended:

Elimination of railroad-grade-crossing hazards.
Appropriations authorized.

Apportionment.

23 U. S. C. §§ 1-25; Supp. V, §§ 2a-24a.

Matching by State not necessary.

Appropriations authorized.
23 U. S. C. § 23.
Forest highways.

Provisos.
Administration.

Forest roads and trails.

Apportionments.

Restriction on apportionments.

Roads through unreserved public lands, etc.
Appropriations authorized.
23 U. S. C. § 3.

Proviso.
Basis for apportionments.

Provided, That apportionments of funds made under the second paragraph of section 3 of the Federal Highway Act, as amended by the Act of June 24, 1930 (46 Stat. 805), shall be made on the basis of the area of such lands in each State as shown by certificate of the Secretary of the Interior which he is directed to make as of June 30 each year.

Roads and trails in national parks, etc.
Appropriations authorized.

SEC. 8. For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$4,000,000 for the fiscal year ending June 30, 1942, and the sum of \$4,000,000 for the fiscal year ending June 30, 1943: *Provided*, That hereafter appropriations for the construction, reconstruction, and improvement of such park and monument roads shall be administered in conformity with regulations jointly approved by the Secretary of the Interior and the Federal Works Administrator.

16 U. S. C. §§ 8a-8c.

Proviso.
Administration.

Parkways.
Appropriations authorized.

SEC. 9. For the construction and maintenance of parkways, to give access to national parks and national monuments, or to become connecting sections of a national parkway plan, over lands to which title has been transferred to the United States by the States or by private individuals, there is hereby authorized to be appropriated the sum of \$7,500,000 for the fiscal year ending June 30, 1942, and the sum of \$7,500,000 for the fiscal year ending June 30, 1943: *Provided*, That hereafter the location of such parkways upon public lands, national forests, or other Federal reservations shall be determined by agreement between the department having jurisdiction over such lands and the National Park Service: *Provided further*, That hereafter appropriations for the construction and maintenance of parkways shall be administered in conformity with regulations jointly approved by the Secretary of the Interior and the Federal Works Administrator.

Provisos.
Location of parkways.

Administration.

Indian reservation roads.
Appropriations authorized.
25 U. S. C. § 318a.

SEC. 10. For construction and improvement of Indian reservation roads under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$3,000,000 for the fiscal year ending June 30, 1942, and the sum of \$3,000,000 for the fiscal year ending June 30, 1943: *Provided*, That hereafter the location, type, and design of all roads constructed under the provisions of said Act of May 26, 1928, shall be approved by the Public Roads Administration before any expenditures are made thereon, and all such construction done by contract shall be under the general supervision of the Public Roads Administration.

Proviso.
Location, etc., of roads.

23 U. S. C., Supp. V, § 10b.

Roadside and landscape development.

SEC. 11. Subsection (c) of section 1 of the Federal Aid Highway Act of 1938 (52 Stat. 633) is hereby amended to read as follows:

"Hereafter the construction of highways by the States with the aid of Federal funds may include such roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled recreational areas of limited size and with provision for convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Public Roads Administration. Such construction likewise may include the purchase of such adjacent strips of land of limited width and primary importance for the preservation of the natural beauty through which highways are constructed, as may be approved by the Public Roads Administration: *Provided*, That not to exceed 3 per centum of the Federal-aid funds apportioned to and matched by any State under this Act

Purchase of adjacent strips of land.

Proviso.
Limitation on funds available.

may be used for the purchase of such adjacent strips of land without being matched by the States."

SEC. 12. (a) The Reconstruction Finance Corporation, pursuant to its authority under existing law and subject to all the terms and conditions thereof, is authorized to cooperate with States to finance, or to aid in financing, the acquisition of real property or interests in property (any such acquisition being herein called a "right-of-way") necessary or desirable for road projects eligible for Federal aid under the Federal Highway Act (42 Stat. 212), as amended and supplemented.

Financing of right-of-way acquisitions.

23 U. S. C. §§ 1-25; Supp. V, §§ 2a-24a.

(b) Every loan or purchase of securities by Reconstruction Finance Corporation to finance or to aid in financing the acquisition of a right-of-way, as defined in this section, shall hereafter be made only after approval of the project (including the plans, administration, and financing thereof) by the highway department of the State and by the Public Roads Administration of the Federal Works Agency.

Approval of project.

SEC. 13. The Commissioner of Public Roads, in cooperation with the State Highway Departments of the respective States, is hereby authorized, upon the request of any State, to investigate the location and development of flight strips adjacent to public highways or roadside development areas, for the landing and take-off of aircraft.

Aircraft landing strips adjacent to public highways, etc.

SEC. 14. The Commissioner of Public Roads, in cooperation with the State highway departments of the respective States, is hereby directed to investigate the service afforded to traffic, population, and lands by all highways of each State, as determined by State-wide surveys adequate for the purpose. Annually a report will be made to the Congress covering the progress made in classifying the highways into groups composed of roads of similar service importance.

Traffic surveys.

Report to Congress.

SEC. 15. The Public Roads Administration is authorized to pay transportation and subsistence expenses of its employees, and of persons appointed under schedule A, subdivision I, paragraph 7, of Civil Service Rules, hereafter assigned to perform engineering services beyond continental United States for any agency or governmental corporation of the United States, including transportation and subsistence expenses of members of the immediate family of any such employee or person in traveling from their headquarters or homes to the post of duty outside continental United States and return; and, with the approval of the Federal Works Administrator, the compensation of any such employee so assigned may be increased during such assignment by not to exceed 25 per centum of his base pay.

Engineering services outside U. S.

Increase in compensation; limitation.

SEC. 16. Any sums heretofore or hereafter withheld from the Federal-aid road funds apportioned to any State as a penalty for diversion of road-user taxes under the provisions of section 12 of the Act approved June 18, 1934 (48 Stat. 995), shall be reapportioned in the same manner as any other unexpended balance at the end of the period during which it otherwise would be available for expenditure, in accordance with the provisions of section 21 of the Federal Highway Act (42 Stat. 217).

Reapportionment of designated funds.

23 U. S. C. § 55.

23 U. S. C. § 21.

Availability of unexpended secondary or feeder road funds.

SEC. 17. Any amounts heretofore apportioned to any State under the provisions of section 7 of the Act of June 16, 1936 (49 Stat. 1521), for secondary or feeder roads, for which the period of availability expired on June 30, 1940, and which remained unexpended on said date, shall not be reapportioned to all the States as required by section 21 of the Federal Highway Act, but shall remain available to such State until June 30, 1941, and any balance of such amounts then remaining unexpended shall be reapportioned to all of the States in the manner now provided by law.

SEC. 18. Funds authorized and made available under section 21 of the Federal Highway Act, as amended, may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of

Engineering costs on roads important to national defense.

Priority of approval
to projects important
to national defense.

Short title.

highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Federal Works Administrator and as the result of request of the Secretary of War, the Secretary of the Navy, or other authorized national defense agency.

SEC. 19. In approving Federal-aid highway projects to be carried out with any unobligated funds apportioned to any State, the Commissioner of Public Roads may give priority of approval to, and expedite and construction of, projects that are recommended by the appropriate Federal defense agency as important to the national defense.

SEC. 20. This Act may be cited as the "Federal Highway Act of 1940."
Approved, September 5, 1940.

[CHAPTER 717]

AN ACT

September 9, 1940
[H. R. 10263]
[Public, No. 781]

Making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

Second Supplemen-
tal National Defense
Appropriation Act,
1941.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the national defense for the fiscal year ending June 30, 1941, namely:

Title III, Military
Appropriation Act,
1941.
Additional appro-
priations.
Ante, pp. 350, 352.

TITLE I—WAR DEPARTMENT—MILITARY ACTIVITIES

For additional amounts for appropriations for the Military Establishment, fiscal year 1941, to be supplemental, and in addition, to the appropriations under the same heads in the Military Appropriation Act, for the fiscal year ending June 30, 1941, including the objects and subject to the limitations and conditions specified therein, except as otherwise provided herein, and including under each appropriation the employment of persons and the procurement of supplies and services, printing and binding, and communication service, at the seat of government and elsewhere (the amount for personal services at the seat of government, other than for field service employees, shall not exceed one-fourth of 1 per centum of the total amount of cash appropriated for the Army by this Act), as follows:

Ante, p. 357.

QUARTERMASTER CORPS

Regular supplies of
the Army.

Regular supplies of the Army: For regular supplies of the Army, \$4,685,122, and, in addition, the Quartermaster General, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$3,280,000, for the purposes for which this appropriation is available.

Clothing and equi-
page, Army.

Clothing and equipage, Army: For clothing and equipage, Army, \$150,064,813, and, in addition, the Quartermaster General, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$50,700,000, for the purposes for which his appropriation is available.

Army transporta-
tion.

Army transportation: For Army transportation, \$87,500,610, without limitation as to the amount of this appropriation which may be expended for purchase or exchange of passenger-carrying vehicles; or purchase or construction, alteration, operation, and repair of boats; and, in addition, the Quartermaster General, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$7,150,000, for the purposes for which this appropriation is available.

Horses, etc.

Horses, draft and pack animals, \$241,000.

MILITARY POSTS

Construction of buildings, utilities, and appurtenances at military posts: For construction and installation of buildings, flying fields, and appurtenances thereto, \$201,109,030, of which \$128,107,115 shall be for emergency construction, and, in addition, the Quartermaster General, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$14,000,000, for the purposes for which this appropriation is available: *Provided*, That of the foregoing cash appropriation and contract authorization \$3,000,000 in cash and \$2,000,000 in contract authorization shall be available for storage for aviation gasoline at various locations: *Provided further*, That all construction for the Military Establishment which has been authorized, or may be authorized prior to July 1, 1942, may be prosecuted prior to the approval by the Attorney General of title to the lands upon which such construction is to be placed, to such extent as may be deemed necessary or advantageous by the Secretary of War: *Provided further*, That the Secretary of War may, with respect to contracts for public works for the Military Establishment entered into upon a cost-plus-a-fixed-fee basis out of funds appropriated for the fiscal year 1941, or authorized to be entered into prior to July 1, 1941, waive the requirements as to performance and payment bonds of the Act approved August 24, 1935 (49 Stat. 793; 40 U. S. C. 270a): *Provided further*, That the fixed fee to be paid the contractor as a result of any such public works contract hereafter entered into shall not exceed 6 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of War.

Acquisition of land: For the acquisition of land for military purposes, \$7,600,885.

SIGNAL CORPS

Signal Service of the Army: For Signal Service of the Army, \$60,646,752, and, in addition, the Chief Signal Officer, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$45,600,000, for the purposes for which this appropriation is available.

AIR CORPS

Air Corps, Army: For Air Corps, Army, \$520,802,304, and, in addition, the Chief of the Air Corps, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$1,002,600,000, for the purposes for which this appropriation is available.

MEDICAL DEPARTMENT

Medical and Hospital Department, Army: For Medical and Hospital Department, Army, \$11,701,039, and, in addition, the Surgeon General, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$3,900,000, for the purposes for which this appropriation is available.

CORPS OF ENGINEERS

Engineer Service, Army: For Engineer Service, Army, \$17,796,200, and, in addition, the Chief of Engineers, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$24,500,000, for the purposes for which this appropriation is available.

Ante, p. 360.

Construction.

Provisos.
Storage for aviation gasoline.

Construction prior to approval of title.

Waiver of performance, etc., bonds in designated contracts.
Post, p. 967.

40 U. S. C., Supp. V, § 270a.
Limitation on fixed fees.
Post, p. 967.

Acquisition of land.
Ante, p. 361.

Ante, p. 363.

Ante, p. 364.

Ante, p. 366.

Ante, p. 367.

Ante, p. 367.

ORDNANCE DEPARTMENT

Ordnance service and supplies, Army: For ordnance service and supplies, Army, \$540,162,645, and, in addition, the Chief of Ordnance, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$902,000,000, for the purposes for which this appropriation is available.

Ante, p. 368.

CHEMICAL WARFARE SERVICE

Chemical Warfare Service, Army: For Chemical Warfare Service, Army, \$12,028,641, and, in addition, the Chief of Chemical Warfare Service, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$15,400,000, for the purposes for which this appropriation is available.

Ante, p. 369.

SEACOAST DEFENSES

Seacoast defenses, general, \$16,533,491, of which \$8,312,154 shall remain available until expended; and in addition, when authorized by the Secretary of War, contracts may be entered into prior to July 1, 1941, for the purposes authorized by this appropriation to an amount not in excess of \$20,100,000.

Ante, p. 374.

RESERVE OFFICERS' TRAINING CORPS

Funds appropriated for Organized Reserves for the fiscal year 1941 shall be available for the pay and allowances of members of the Officers' Reserve Corps who may have been or may hereafter be detailed for duty in connection with the Reserve Officers' Training Corps.

Ante, p. 602; *post*, p. 970.

EXPEDITING PRODUCTION

Equipment, etc., for Army for emergency national defense.
41 U. S. C. § 5.

To enable the Secretary of War, upon the recommendation of the Advisory Commission of the Council of National Defense, and with the approval of the President, and without reference to section 3709, Revised Statutes, to expedite the production of equipment and supplies for the Army for emergency national defense purposes, including all of the objects and purposes specified under each of the appropriations available to the War Department during the fiscal year 1941, for procurement or production of equipment or supplies, for erection of structures, or for acquisition of land; the furnishing of Government-owned facilities at privately owned plants; the procurement and training of civilian personnel in connection with the production of equipment and material and the use and operation thereof; and for any other purposes which in the discretion of the Secretary of War are desirable in expediting production for military purposes and are recommended by the Advisory Commission of the Council of National Defense, and approved by the President, to be immediately available, \$162,500,000, and, in addition, the Secretary of War, upon the recommendation of the Advisory Commission of the Council of National Defense, and with the approval of the President, is authorized to enter into contracts prior to July 1, 1941, for the same purposes to an amount not exceeding \$162,500,000: *Provided*, That an account shall be kept of all expenditures made or authorized hereunder and a report thereon shall be submitted to Congress on or before July 1, 1941: *Provided further*, That expenditures from funds appropriated under this head for the fiscal year 1941 shall not be subject to the provisions of section 1136, Revised Statutes, as amended (10 U. S. C. 1339).

Contracts authorized.

Provisos.
Accounting; report to Congress.
Restriction removed.

10 U. S. C., Supp. V, § 1339.

CONTINGENT EXPENSES, WAR DEPARTMENT

Section 3709, Revised Statutes, shall not apply to any procurement under the appropriation "Contingent expenses, War Department, 1941", which does not exceed \$100 in amount.

SEC. 101. The first sentence of the seventh paragraph of section 127a, National Defense Act, as amended by section 20 of the Act of June 15, 1933 (48 Stat. 161), is hereby amended to read as follows:

"In time of war or national emergency determined by the President any officer of the Regular Army may be appointed to higher temporary grade without vacating his permanent appointment."

SEC. 102. The Secretary of War may, until June 30, 1942, allocate to the Corps of Engineers any of the construction works required to carry out the national-defense program and may transfer to that agency the funds necessary for the execution of the works so allocated.

SEC. 103. Section 1 (c) of the Act of July 2, 1940 (Public, Numbered 703, Seventy-sixth Congress), is amended by deleting therefrom the words "for supplies or construction for", inserting in lieu thereof the word "with", and deleting the words "of such supplies or construction".

SEC. 104. This title may be cited as "Title III, Military Appropriation Act, 1941".

Ante, p. 352.

Minor purchases.
41 U. S. C. § 5.
Ante, pp. 352, 603, 604.

National Defense Act, amendment.
10 U. S. C. § 513.

Officer of Regular Army.
Temporary grade in time of war.

Works allocation to Corps of Engineers.
Ante, p. 367.

Ante, p. 713.

Citation of title.

TITLE II—NAVY DEPARTMENT

For additional amounts for appropriations for the Navy Department and the naval service, fiscal year 1941, to be supplemental, and, in addition, to the appropriations in the Naval Appropriation Act for the fiscal year ending June 30, 1941, including the objects and subject to the limitations and conditions specified therein, except the limitations suspended by Act approved June 28, 1940 (Public, Numbered 671, Seventy-sixth Congress), and except as otherwise provided herein, as follows:

Title IV of the Naval Appropriation Act for the fiscal year 1941.
Additional appropriations.
Ante, p. 265.

Ante, p. 676.

NAVAL ESTABLISHMENT

OFFICE OF THE SECRETARY

Miscellaneous expenses, \$136,000, including not to exceed \$11,700 for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a), and not to exceed \$2,167 for telephone, telegraph, and teletype rentals and tolls, telegrams, radiograms, and cablegrams: *Provided*, That the first proviso under the appropriation "Miscellaneous expenses, Office of the Secretary", contained in title I of the Act making appropriations for the Navy Department and the naval service for the fiscal year 1941, is hereby repealed.

Ante, p. 265.

Miscellaneous expenses.

46 Stat. 818.

Proviso.
Repeal of restrictive proviso.
Ante, p. 266.

BUREAU OF NAVIGATION

Ante, p. 267.

Training, Education, and Welfare, Navy Naval Reserve Officers' Training Corps, \$210,000.

Naval Reserve, including training for Reserve midshipmen, to be expended without regard to the limitations specified under this head in the Naval Appropriation Act for the fiscal year 1941, \$3,689,780.

The paragraph under the subheading "NAVAL RESERVE" of title I of the Naval Appropriation Act for the fiscal year 1941 is amended by inserting before the period at the end thereof a colon and the following: "*Provided further*, That nothing in the immediately preceding proviso shall be deemed to prevent the use of any such appropriation for the purpose of paying the pay, allowances, travel, or other expenses of any such officer or enlisted man of the Naval or Marine Corps Reserve who

Naval Reserve.
Ante, p. 270.

Proviso.
Pay, etc., on active duty.

may surrender such pension, disability allowance, disability compensation, or retired pay for the period of his active duty in the Navy or Marine Corps”.

Ante, p. 272; *post*, p. 972.

BUREAU OF SHIPS

Ante, p. 493.

Maintenance, Bureau of Ships: For the same objects specified under the appropriations or portions of appropriations transferred to and consolidated under this head in accordance with section 1 (h) of the Act approved June 20, 1940 (Public, Numbered 644, Seventy-sixth Congress), \$35,000,000, and, in addition, the Secretary of the Navy may enter into contracts prior to July 1, 1941, to an amount not in excess of \$26,230,000, for the purposes for which this appropriation is available.

Ante, p. 273.

BUREAU OF ORDNANCE

Ordnance and ordnance stores, Navy, \$67,293,000, and, in addition, the Secretary of the Navy is authorized, prior to July 1, 1941, to enter into contracts to an amount not in excess of \$15,000,000 for the purposes for which this appropriation is available.

Ante, p. 274.

BUREAU OF SUPPLIES AND ACCOUNTS

Maintenance, Bureau of Supplies and Accounts, \$500,000.

Ante, p. 278.

BUREAU OF MEDICINE AND SURGERY

Medical Department, \$1,350,000.

Ante, p. 279.

MAINTENANCE, BUREAU OF YARDS AND DOCKS

Maintenance.

Proviso.
Increase of limita-
tion.
Ante, p. 280.

For maintenance, Bureau of Yards and Docks, including the purchase of twelve motor busses at a cost not to exceed \$4,500 each, \$2,000,000: *Provided*, That the limitation fixed in the Naval Appropriation Act for the fiscal year 1941, approved June 11, 1940, for expenditures for the maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, and so forth, is increased during the fiscal year 1941 from \$100,000 to \$110,000.

Ante, p. 279.

BUREAU OF YARDS AND DOCKS

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS

Public works, etc.

Toward the following public works and public utilities projects, including the purchase of necessary land, at a cost not to exceed the amount stated for each project, respectively, \$48,315,000, which amount, together with unexpended balances of appropriations herein and heretofore made under this head, shall be disbursed and accounted for in accordance with existing law and shall constitute one fund:

Boston, Mass.

Navy Yard, Boston, Massachusetts: Light shop activities building and accessories, \$750,000; improvement of power plant, \$174,000; improvement of distributing systems, \$565,000.

Charleston, S. C.

Navy Yard, Charleston, South Carolina: Outside power connection to public utility company, \$50,000; services to fitting-out pier, \$35,000; miscellaneous shipbuilding facilities, \$465,000.

Mare Island, Calif.

Navy Yard, Mare Island, California: Galvanizing shop building and accessories, \$150,000; additional fitting-out crane on quaywall, \$150,000.

New York, N. Y.

Navy Yard, New York, New York: Weight-handling and transportation equipment, \$200,000; improvement of power plant, \$190,000; improvement of services to shipbuilding area, \$450,000; boiler and compressor building and accessories, \$100,000.

Navy Yard, Norfolk, Virginia: Improvement of power plant, \$430,000; improvement of distributing systems, \$515,000.

Norfolk, Va.

Navy Yard, Pearl Harbor, Territory of Hawaii: Completion of twenty-five ton floating derrick, YD69, \$150,000; improvement and rearrangement of shop buildings, \$200,000; extension of administration building and accessories, \$270,000; fifteen- and twenty-five-ton traveling cranes for repair basin, \$200,000; automatic telephone system, \$50,000; fire engine, \$10,000; fleet landings and accessories, \$55,000.

Pearl Harbor, T. H.

Navy Yard, Philadelphia, Pennsylvania: Extension of structural assembly shop and accessories, \$385,000; outside power connection to public utility company, \$50,000; lighting boundary fence, \$60,000.

Philadelphia, Pa.

Navy Yard, Portsmouth, New Hampshire: Extension of fitting-out berth, \$275,000; outside power connection to public-utility company, \$50,000.

Portsmouth, N. H.

Navy Yard, Puget Sound, Washington: Extension of shipfitters' shop, assembly bay, and accessories, \$450,000; connecting tunnel, drydock numbered 3 to drydock numbered 1 pumphouse, \$100,000; outside power connection to public-utility company, \$35,000; completion of electric system on pier numbered 6, \$150,000; improvement of electric system on pier numbered 4, \$90,000; improvement of central power plant, \$300,000.

Puget Sound, Wash.

Navy Yard, Washington, District of Columbia: Weight-handling and transportation equipment, \$75,000; replacement of fire-alarm system, \$40,000; extension of gun assembly shop building, \$700,000; extension of optical shop building, \$300,000; improvement of electric system, \$200,000; improvement of electric generating facilities, \$250,000; extension of proof shop building, \$300,000.

Washington, D. C.

Navy Yard, Washington (Alexandria, Virginia), District of Columbia: Extension of torpedo-shop building, \$145,000.

Washington (Alexandria, Va.), D. C.

Naval Academy, Annapolis, Maryland: Additional facilities, \$1,985,000.

Annapolis, Md.

Naval station, Guam: Quarters and accessories and services for officers, \$277,000.

Guam.

Naval station, Key West, Florida: Rehabilitation of submarine-base facilities and construction of marine railway, \$1,250,000.

Key West, Fla.

Naval station, Guantanamo, Cuba: Extension of medical storehouse and dispensary, \$15,000.

Guantanamo, Cuba.

Naval station, Tutuila, Samoa: Dispensary building and accessories, \$180,000.

Tutuila, Samoa.

Fleet-operating base, Guantanamo, Cuba: Dredging and moorings, \$2,000,000; shore facilities, including berthing, fleet landings, recreation facilities, power and service lines, \$3,000,000.

Guantanamo, Cuba.

Naval operating base, Norfolk, Virginia: Storage for experimental-type boats and landing gear, \$400,000; medical-supply storehouse and accessories, \$275,000.

Norfolk, Va.

Submarine base, Charlotte Amalie, Virgin Islands: Diesel-oil storage, \$30,000; administration building and accessories, \$60,000; bachelor officers' quarters and accessories, \$75,000; dispensary building and accessories, \$50,000; storehouse and accessories, \$125,000; extension of tender pier, \$60,000; bulkhead and piers, \$200,000; miscellaneous small buildings and accessories, \$71,000.

Charlotte Amalie, V. I.

Submarine base, Norfolk, Virginia: Replacement of finger piers, \$300,000; rehabilitation of north breakwater, \$135,000; dredging, \$150,000; battery charging and electric service, \$100,000; storage buildings and accessories, \$65,000.

Norfolk, Va.

Submarine base, Pearl Harbor, Territory of Hawaii: Addition to battery overhaul building, \$45,000; addition to utility-shop building, \$55,000; extension of quaywall, \$560,000; individual storehouse and accessories, \$30,000; improvement of battery charging and electric distribution, \$278,000.

Pearl Harbor, T. H.

San Diego, Calif.	Destroyer base, San Diego, California: Brig and marine guard building and accessories, \$80,000; barracks and mess hall building and accessories, \$450,000; shop buildings, \$220,000; cruiser graving dry-dock and accessories, \$3,000,000; improvement of power plant and distributing systems, \$130,000; temporary storehouses, \$500,000.
Washington, D. C.	Naval Observatory, Washington, District of Columbia: Instrument repair and storage building and accessories, \$250,000.
Great Lakes, Ill.	Naval training station, Great Lakes, Illinois: Outside power connection to public-utility company, \$25,000; improvement of power plant, \$450,000; improvement of sewage-disposal system, \$125,000; and temporary construction and facilities for additional enlisted personnel, \$1,750,000.
Post, p. 973.	
Newport, R. I.	Naval Training Station, Newport, Rhode Island: Temporary construction and facilities for additional enlisted personnel, \$800,000.
Norfolk, Va.	Naval Training Station, Norfolk, Virginia: Temporary construction and facilities for additional enlisted personnel, \$1,950,000.
San Diego, Calif.	Naval Training Station, San Diego, California: Temporary construction and facilities for additional enlisted personnel, \$1,250,000.
Balboa, C. Z.	Naval ammunition depot, Balboa, Canal Zone: Road to ammunition depot, \$85,000; quarters and accessories for married enlisted men, \$190,000; quarters and accessories for officer, \$14,500.
Charleston, S. C.	Naval ammunition depot, Charleston, South Carolina: Ammunition storage facilities, \$1,500,000.
Baldwin, N. Y.	Naval ordnance plant, Baldwin, New York: Ammunition loading building, \$53,000.
Dahlgren, Va.	Naval proving ground, Dahlgren, Virginia: Extension of garage, \$20,000; extension of powerhouse, \$75,000; locomotive crane shed, \$20,000; small-boat harbor, Piney Point, \$25,000; carpenter-shop building, \$25,000; transfer tide bridge, \$6,000; extension of service lines to hangar, \$35,000; barracks building for marine guard, \$25,000; quarters and accessories for officers, \$75,000; quarters and accessories for married enlisted men, \$90,000; purchase of land for spotting ranges, \$12,000.
Fort Mifflin, Pa.	Naval ammunition depot, Fort Mifflin, Pennsylvania: Improvement of fire protection, \$36,000; projectile loading plant building, \$45,000; extension of electric system, \$40,000.
Hawthorne, Nev.	Naval ammunition depot, Hawthorne, Nevada: Mine filling plant buildings, \$400,000; loading platform and siding, \$150,000; torpedo storehouse and accessories, \$90,000; quarters and accessories for officers, \$20,000; quarters and accessories for married enlisted men and civilians, \$150,000; alterations to quarters buildings, \$22,000.
Indianhead, Md.	Naval powder factory, Indianhead, Maryland: Marine barracks and accessories, \$125,000; additional power-plant facilities, \$300,000; D loading plant building and equipment, \$300,000; quarters and accessories for officers, \$30,000.
Iona Island, N. Y.	Naval ammunition depot, Iona Island, New York: Extension of main wharf, \$70,000; storage building, \$150,000; sewage-disposal system, \$34,000; extension of D loading plant, \$60,000; outside power connection to public-utilities company, \$30,000.
Keyport, Wash.	Naval torpedo station, Keyport, Washington: Auxiliary electric-power facilities, \$35,000; maintenance building and accessories, \$100,000; extension of torpedo storehouse, \$95,000; extension of garage, \$25,000; torpedo-shop building and accessories, \$275,000; paving and street lighting, \$100,000.
Lake Denmark, N. J.	Naval ammunition depot, Lake Denmark, New Jersey: Equipment-storage building, \$15,000; improvement of power plant, \$62,000; improvement of steam-distribution system, \$15,000.
Mare Island, Calif.	Naval ammunition depot, Mare Island, California: Mine-handling facilities, including assembly plant, \$695,000; guardhouse and barracks, \$100,000; pier, \$525,000; fencing, \$80,000.

Naval torpedo station, Newport, Rhode Island: Extension of fuze and primer building, \$100,000; administration building, \$280,000; extension of dispensary building, \$20,000; extension of sea wall, \$55,000; magazine buildings, \$5,000; coal-handling equipment for power plant, \$50,000; reconstruction of yardcraft building and improvement of water front, \$105,000; alcohol and paint storehouse, \$20,000; torpedo assembly plant and accessories, \$750,000; extension of administration building, \$200,000; extension of barracks for school for torpedo men, \$150,000.

Newport, R. I.

Naval ammunition depot, Oahu, Territory of Hawaii: Storehouse for inert materials, \$25,000.

Oahu, T. H.

Naval ammunition depot, Puget Sound, Washington: Bag filling house, \$100,000; extension of railroad tracks, \$50,000; marine barracks building and accessories, \$120,000; emergency power plant, \$50,000; replacement of pier, \$200,000; quarters and accessories for officer, \$14,500.

Puget Sound, Wash.

Naval ammunition depot, Saint Juliens Creek, Virginia: Fire-proof ceilings for magazine building, \$70,000; powder bag filling house, \$100,000; tracer loading building, \$100,000; projectile and case loading facilities, \$250,000; explosive-loading plant, \$200,000; storage building, \$125,000.

Saint Juliens Creek, Va.

Naval mine depot, Yorktown, Virginia: Roads and railroad barricades, \$125,000; TNT reclamation plant, \$100,000; mine-assembly building, \$150,000; quarters and accessories for officers, \$29,000.

Yorktown, Va.

Additional ordnance facilities at naval air stations, \$1,697,000.

Naval air stations.
Alameda, Calif.

Naval air station, Alameda, California: Seaplane ramp, \$60,000; improvement of, and services for, outlying fields, \$150,000.

Naval air station, Anacostia, District of Columbia: Paint and oil storehouse, \$6,000; outside power connection to public-utility company, \$10,000.

Anacostia, D. C.

Naval air station, Cape May, New Jersey: Improvement of water front, \$350,000.

Cape May, N. J.

Naval air station, Coco Solo, Canal Zone: Relocation of VJ Hangar, building numbered 123, \$15,000; additional sea wall, filling, and grading, \$225,000; seaplane hangar, \$450,000; additional paving and services around hangar, \$160,000; additional gasoline storage, \$260,000; aircraft storehouse, \$285,000; extension of railroad tracks, \$75,000; barracks and messhall building, \$900,000; aircraft operations building, \$125,000; garage, \$60,000; additional gasoline storage, \$620,000.

Coco Solo, C. Z.

Marine aviation facilities, Charlotte Amalie, Virgin Islands: Gasoline storage, pump house, and supply lines, \$60,000; recreation facilities, including buildings, \$15,000; filling lagoon, \$120,000; additional housing for naval personnel, \$92,000; seaplane hangar, \$250,000; bomb sight storehouse and shop building, \$5,000.

Charlotte Amalie, V. I.

Naval air station, Guantanamo, Cuba: Torpedo and bomb sight storehouse and shop, \$25,000; extension of barracks building, \$150,000; landplane hangars, McCalla Hill, \$325,000; extension of runways, McCalla Hill, \$75,000.

Guantanamo, Cuba.

Naval air station, Jacksonville, Florida: Additional gasoline storage, \$260,000.

Jacksonville, Fla.

Naval air station, Kaneohe Bay, Territory of Hawaii: Grading and surfacing landing mat, \$563,000; additional gasoline storage, \$1,400,000; purchase of land, \$500,000.

Kaneohe Bay, T. H.

Naval air station, Kodiak, Alaska: Seaplane ramp and taxiway, Saint Paul Harbor, \$250,000; additional gasoline storage, \$255,000.

Kodiak, Alaska.

Naval air station, Midway Island: Additional gasoline storage, \$100,000; clearing, grading, and surfacing landing field, \$300,000.

Midway Island.

Pearl Harbor, T. H.	Naval air station, Pearl Harbor, Territory of Hawaii: Improvement of landing field, \$250,000; connecting pier to mooring F-6, \$130,000; extension and improvement of roads, \$75,000; aircraft storehouse, \$250,000; laundry building and equipment, \$75,000; practice-bomb storage, \$10,000; first-aid and decontamination station, \$15,000; landplane hangars, \$500,000; warming-up platform and parking area, \$340,000; seaplane ramps and parking area, \$1,054,000; recreation facilities, including buildings, \$175,000; fleet-squadrons storehouse, \$60,000.
Key West, Fla. <i>Ante</i> , p. 230.	Naval air station, Key West, Florida: Purchase of land, \$125,000.
Norfolk, Va.	Naval air station, Norfolk, Virginia: Fleet-squadrons storehouse, \$75,000; extension and improvement of engine-test building, \$135,500.
Pensacola, Fla.	Naval air station, Pensacola, Florida: Extension of aircraft storehouse, \$150,000; outside power connections to public utility company, \$55,000.
Quantico, Va.	Marine Corps Flying Field, Quantico, Virginia: Extension of motor-test building, \$70,000; extension of flying field northward, \$110,000; guardhouse and accessories, \$9,000; extension of aircraft storehouse, \$175,000; barracks and mess hall, Brown Field, \$325,000.
San Juan, P. R.	Naval air station, San Juan, Puerto Rico: Additional gasoline storage, \$264,000; replacement of quarantine facilities, \$375,000.
Seattle, Wash.	Naval air station, Seattle, Washington: Grading and improvement of outlying fields, \$150,000; additional gasoline storage, \$100,000.
Sitka, Alaska.	Naval air station, Sitka, Alaska: Extension of seaplane hangar, \$500,000.
Squantum, Mass.	Reserve aviation base, Squantum, Massachusetts: Dredging for seaplane approaches, \$117,000; dredging ship channel to present eighteen-foot channel, \$94,000.
Philadelphia, Pa.	Naval Aircraft Factory, Philadelphia, Pennsylvania: Improvement of water front and extension of flying field, \$190,000.
Parris Island, S. C.	Air activities, marine barracks, Parris Island, South Carolina: Landplane hangar, \$250,000; road from marine barracks to Page Field, \$35,000.
Brooklyn, N. Y.	Medical supply depot, Brooklyn, New York: Extension of medical-supply storehouse, including purchase of land, \$351,000.
Great Lakes, Ill.	Naval hospital, Great Lakes, Illinois: Additional ward buildings, \$340,000.
Guam.	Naval hospital, Guam: Isolation and tuberculosis wards, \$75,000.
Mare Island, Calif.	Naval hospital, Mare Island, California: Administration and subsistence building, \$475,000.
Norfolk, Va.	Naval hospital, Norfolk, Virginia: Additional wards and hospital facilities, \$669,000.
Pearl Harbor, T. H.	Naval hospital, Pearl Harbor, Territory of Hawaii: Medical-supply storehouse, \$275,000.
Pensacola, Fla.	Naval hospital, Pensacola, Florida: Additional ward buildings, \$350,000; barracks and accessories for corpsmen, \$75,000; quarters and accessories for nurses, \$75,000.
Annapolis, Md.	Naval radio station, Annapolis, Maryland: Additional facilities, including buildings, quarters, and services, \$140,000.
Bainbridge Island, Wash.	Naval radio station, Bainbridge Island, Washington: Radio facilities, including buildings and purchase of land, \$75,000.
Balboa, C. Z.	Naval radio station, Balboa, Canal Zone: Radio-receiving station, including buildings and accessories, \$650,000.
Dutch Harbor, Alaska.	Naval radio station, Dutch Harbor, Alaska: Additional radio facilities, including buildings and accessories, \$30,500.
Eureka, Calif.	Naval radio station, Eureka, California: Quarters and accessories, \$15,000.
Folly Island, S. C.	Naval radio-direction-finder station, Folly Island, South Carolina: Reconstruction of station at new location, \$75,000.

Naval radio station, Gatun, Canal Zone: Quarters and accessories, \$40,000.

Naval radio station, Jupiter, Florida: Barracks, compass house, and quarters building, \$65,000.

Naval radio station, Point Arguello, California: Quarters and accessories, \$6,000; powerhouse, garage, and dormitory building, \$27,000.

Naval radio station, Poyners Hill, North Carolina: Barracks, compass house, and quarters building and services, \$72,000.

Naval direction-finder station, Sandy Hook, New Jersey: Radio buildings and facilities and services, \$70,000.

Naval radio station, Summit, Canal Zone: Quarters and accessories for operators, \$72,000; extension of radio facilities, \$196,000.

Naval Research Laboratory, Bellevue, District of Columbia: Extension of chemical laboratory building, \$90,000; improvement of water front, \$160,000.

Marine barracks, Parris Island, South Carolina: Power and ice-plant building and accessories and equipment, \$500,000; outside power connection to public-utility company, \$10,000; magazines, \$10,000; repairs and replacements to make good storm damage of August 12, 1940, \$1,750,000; additional construction for increase in Marine Corps personnel, \$2,000,000.

Marine Corps depot of supplies, Philadelphia, Pennsylvania: Storage buildings and accessories, \$1,300,000.

Marine barracks, Quantico, Virginia: Barracks for school detachment, \$100,000; outside power connection to public-utility company, \$35,000; magazines, \$10,000.

Marine Corps: Extension of training areas, \$2,000,000.

Naval supply depot, Norfolk, Virginia: Replacement of pier and accessories, \$3,200,000.

Naval supply depot, San Diego, California: Extension of pier and transit shed, \$1,700,000.

Naval supply depot, Oakland, California: Medical supply storehouse, \$300,000.

Naval fuel depot, Pearl Harbor, Territory of Hawaii: Additional development of underground fuel storage, \$2,500,000.

Facilities for reserve midshipmen at such locations as the Secretary of the Navy, with the approval of the President, may select, \$250,000.

Tenth naval district: Headquarters facilities, including administration building, quarters for officers and married enlisted men, and barracks building and accessories, \$450,000.

Fourteenth naval district: Dredging of channels and harbors, \$1,500,000; fleet moorings, \$250,000.

Fifteenth naval district: Additional storage facilities, including buildings and accessories, \$1,000,000; housing for naval personnel, including buildings and accessories, \$1,527,000.

Receiving barracks for crews of ships going into commission at various locations, \$2,200,000.

Storage for aviation gasoline at various locations, \$2,500,000.

The provisions of section 4 of the Act approved April 25, 1939 (53 Stat. 590-592), shall be applicable to all public works and public utilities projects provided in this title, regardless of location: *Provided*, That the fixed fee to be paid the contractor as a result of any contract hereafter entered into under the authority of the above-mentioned Act shall not exceed 6 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of the Navy.

To enable the Secretary of the Navy to expedite the construction or provision of the public works and public utilities projects mentioned in this Act, the limit of cost indicated for each of such projects may, in the discretion of the Secretary of the Navy, be varied upward

Gatun, C. Z.

Jupiter, Fla.

Point Arguello, Calif.

Poyners Hill, N. C.

Sandy Hook, N. J.

Summit, C. Z.

Bellevue, D. C.

Parris Island, S. C.

Philadelphia, Pa.

Quantico, Va.

Marine Corps.

Norfolk, Va.

San Diego, Calif.

Oakland, Calif.

Pearl Harbor, T. H.

Facilities for reserve midshipmen.

Tenth naval district.

Fourteenth naval district.

Fifteenth naval district.

Receiving barracks.

Storage for aviation gasoline.
Cost-plus-a-fixed-fee contracts.

Provided.
Limitation on fixed fee.

Variances of cost limitations.

or downward by an amount not to exceed 10 per centum, but the aggregate of all such limits of cost shall not be exceeded.

Continued employment of personnel.

The Secretary of the Navy is hereby authorized to continue the employment, in the District of Columbia and elsewhere, of such employees now carried on the rolls as will be required for the preparation of plans and specifications and administrative work in connection with the public-works and public-utilities projects mentioned in this Act.

Ante, p. 282.

BUREAU OF AERONAUTICS

Plant expansion, etc.

Proviso.
Contracts for new aircraft, etc.

Nonrigid lighter-than-air craft.

Transfer of funds.

Aviation, Navy, including plant expansions and facilities in private plants and outfits for messes of aviation cadets and bachelor officers at air stations, \$180,000,000: *Provided*, That in addition to the amount herein appropriated, the Secretary of the Navy may prior to July 1, 1941, enter into contracts for production and purchase of new aircraft and equipment, spare parts, and accessories in an amount not to exceed \$375,000,000: *Provided further*, That not to exceed \$1,000,000 of the total amount herein appropriated and available for contractual obligation may be used for the procurement of nonrigid lighter-than-air craft: *Provided further*, That the Secretary of the Treasury is authorized and directed, upon the request of the Secretary of the Navy, to transfer not to exceed in the aggregate \$300,000 from this appropriation to the appropriations "Pay, subsistence, and transportation, Navy", and "Pay, Marine Corps", to cover authorized traveling expenses of officers and enlisted men in connection with flying new airplanes from contractor's works to assigned station or ship, including travel to contractor's works and return of personnel to stations of duty, and the amount so transferred shall be in addition to any limitations contained in the appropriations "Pay, subsistence, and transportation, Navy", and "Pay, Marine Corps".

Ante, p. 283.

MARINE CORPS

General expenses, Marine Corps, \$7,000,000.

Ante, p. 286.

ALTERATIONS TO NAVAL VESSELS

Proviso.
Authority to exceed statutory limit.

Alterations to naval vessels, including the acquisition and conversion of vessels for naval auxiliaries of all kinds, \$75,000,000, to remain available until expended: *Provided*, That the Secretary of the Navy is authorized to exceed the statutory limit in conversion of vessels converted with these funds.

Ante, p. 286.

REPLACEMENT OF NAVAL VESSELS

Construction and machinery.

48 Stat. 503.
34 U. S. C. §§ 494-497; Supp. V, § 496.
34 U. S. C., Supp. V, §§ 498-498k.
Ante, p. 394.

Ante, p. 779.

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized (and appropriated for in part), for the necessary tools, equipment, and facilities in naval establishments or private plants for shipbuilding and for the commencement of one hundred and nine thousand three hundred tons of combatant vessels authorized by the Act of March 27, 1934 (48 Stat. 501), eight auxiliary vessels authorized by the Act approved May 17, 1938 (52 Stat. 401-403), seventy-five thousand tons of auxiliary vessels authorized by the Act approved June 14, 1940 (Public, Numbered 629, Seventy-sixth Congress (H. R. 8026)), and one million three hundred and twenty-five thousand tons of combatant vessels, one hundred thousand tons of auxiliary vessels, and patrol craft, authorized by the Act approved July 19, 1940 (Public, Numbered 757, Seventy-sixth Congress), \$93,000,000, to remain available until expended.

Armor, armament, and ammunition: Toward the armor, armament, and ammunition for vessels hereinbefore described under the head of "Construction and machinery", to remain available until expended, \$90,000,000, including \$68,000,000 for the necessary machine tools, equipment, land, and facilities for existing or additional naval establishments or private plants for the production of armor, armament, and ammunition, and, in addition, the Secretary of the Navy may enter into contracts not to exceed \$47,000,000 for the same purposes.

The first paragraph of section 2 (b) and subdivision (1) of such section 2 (b) of the Act approved June 28, 1940 (Public, Numbered 671, Seventy-sixth Congress), are hereby amended to read as follows:

"(b) After the date of approval of the Second Supplemental National Defense Appropriation Act, 1941, no contract shall be made for the construction or manufacture of any complete naval vessel or any portion thereof, under the provisions of this section or otherwise, unless the contractor agrees, for the purposes of section 3 of the Act of March 27, 1934 (48 Stat. 505; 34 U. S. C. 496), as amended—

"(1) to pay into the Treasury profit in excess of 8 per centum (in lieu of the 10 per centum specified in such section 3) of the total contract prices of such contracts within the scope of this subsection as are completed by the particular contracting party within the income taxable year;"

There may be detailed to the Bureau of Navigation not to exceed at any one time twenty-five enlisted men of the Navy in lieu of the seven enlisted men as authorized by the Naval Appropriation Act for the fiscal year 1941, and to the Bureau of Operations not to exceed at any one time twelve enlisted men of the Navy in addition to those detailed to Naval Communications and the Office of Naval Intelligence.

NAVY DEPARTMENT

Salaries: For compensation for personal services in the District of Columbia, as follows:

Office of the Secretary of the Navy, \$20,000.

Office of the Chief of Naval Operations, \$20,000.

Office of the Director of Naval Communications, \$10,080.

Contingent expenses, \$50,000.

Printing and binding, \$50,000.

SEC. 201. To the President for allocation to the War Department and the Navy Department for the acquisition of necessary land and the construction of housing units, including necessary utilities, roads, walks, and accessories, at locations on or near Military or Naval Establishments, now in existence or to be built, or near privately owned industrial plants engaged in military or naval activities, which for the purposes of this Act shall be construed to include activities of the Maritime Commission, where the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission shall certify that such housing is important for purposes under their respective jurisdiction and necessary to the national defense program, \$100,000,000: *Provided*, That the average unit cost of such housing projects, including acquisitions of land and the installation of necessary utilities, roads, walks, accessories and collateral expenses shall not be in excess of \$3,500: *Provided further*, That in carrying out the purposes of this section the Secretary of War and the Secretary of the Navy may utilize such other agencies of the United States as they may determine upon: *Provided further*, That the Secretary of War and the Secretary of the Navy, at their discretion, are hereby authorized to rent such housing units, upon completion, to enlisted men of the Army, Navy, Marine Corps with families, to field employees of

Armor, armament, and ammunition.

Ante, p. 677; *post*, p. 1003.

Contract agreement.

34 U. S. C., Supp. V, § 496.
Post, p. 1003.

Profit in excess of 8 per centum, disposition.

Details to designated Bureaus.

Ante, p. 237.

Ante, p. 288.

Ante, p. 289.

Ante, p. 290.

Allocations to War and Navy Departments for construction of housing units, etc.
Ante, p. 681; *post*, pp. 1115, 1125.

Provisos.
Limitation on average unit cost.

Utilization of other U. S. agencies.

Rentals to enlisted men, etc.

Use of rental receipts.

Cost-plus-a-fixed-fee contracts.

Citation of title.

the Military and Naval Establishments with families, and to workers with families who are engaged, or to be engaged, in industries essential to the military and naval national defense programs, including work on ships under the control of the Maritime Commission. The Secretary of War and the Secretary of the Navy are further authorized to use such rentals as may be collected from each housing project for the management and maintenance of the housing units therein, including utilities, roads, walks, and accessories, and to set up special reserve accounts for the amortization of the cost of the project: *Provided further*, That the authority of existing law for the negotiation of cost-plus-a-fixed-fee contracts shall be applicable to housing projects for which funds may be made available to the War and Navy Departments or the Maritime Commission.

SEC. 202. This title may be cited as "Title IV of the Naval Appropriation Act for the fiscal year 1941".

Ante, p. 287.

TITLE III—GENERAL PROVISIONS

Inapplicability to War and Navy Departments of certain postal requirements.

39 U. S. C., Supp. V, § 321b.

Government contracts.

Applicability of provisions of designated Acts.

40 U. S. C., Supp. V, § 276a.

41 U. S. C., Supp. V, §§ 35-45.

Wages of laborers, etc.; computation.

SEC. 301. That during the period of the national emergency declared by the President on September 8, 1939, to exist, so much of section 6 of the Act approved May 6, 1939 (53 Stat. 683), as amended by section 2 of the Act approved June 30, 1939 (53 Stat. 989), as requires the head of each executive department (other than the Post Office Department) to submit to the Postmaster General quarterly reports relating to mail matter which has been transmitted free of postage, is hereby suspended, insofar as the War and Navy Departments are concerned.

SEC. 302. Nothing in Titles I and II hereof shall be deemed to render inapplicable the provisions of the Act of March 3, 1931, as amended by the Act of August 30, 1935 (49 Stat. 1011; U. S. C., title 40, sec. 276 (a)), or the provisions of the Act of June 30, 1936 (49 Stat. 2036; U. S. C., title 41, secs. 35-45), to any contract or contracts to which the provisions of either or both of such Acts would otherwise apply.

SEC. 303. Notwithstanding any other provision of law, the wages of every laborer and mechanic employed by any contractor or subcontractor engaged in the performance of any contract of the character specified in the Act of June 19, 1912 (37 Stat. 138; U. S. C., title 40, secs. 324, 325), shall be computed on a basic day rate of eight hours per day and work in excess of eight hours per day shall be permitted upon compensation for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay.

SEC. 304. This Act may be cited as the "Second Supplemental National Defense Appropriation Act, 1941".

Approved, September 9, 1940, 9 a. m., E. S. T.

September 11, 1940
[S. 4272]
[Public, No. 782]

Naval Reserve Officers' Training Corps.

Increase of total personnel.

[CHAPTER 718]

AN ACT

To amend the Act approved March 4, 1925, entitled "An Act providing for sundry matters affecting the naval service, and for other purposes", as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 22 of the Act approved March 4, 1925, entitled "An Act providing for sundry matters affecting the naval service, and for other purposes" (43 Stat. 1276; U. S. C., title 34, sec. 821), as amended by the Act approved August 6, 1937 (50 Stat. 563; U. S. C., supp. V, title 34, sec. 821), is hereby further amended by deleting the words "twenty-four hundred" in the last line of the section, and by inserting in lieu thereof the words "seventy-two hundred".

Approved, September 11, 1940.

[CHAPTER 719]

JOINT RESOLUTION

To authorize Jesse H. Jones, Federal Loan Administrator, to be appointed to, and to perform the duties of, the Office of Secretary of Commerce.

September 13, 1940
[H. J. Res. 602]
[Pub. Res., No. 97]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of law to the contrary, Jesse H. Jones, Federal Loan Administrator, may continue in such office and be appointed to, in the manner now provided by law, and may exercise the duties of the Office of Secretary of Commerce: *Provided*, That the total compensation to be paid him as Secretary of Commerce and as Federal Loan Administrator shall be that provided by law for the Secretary of Commerce.

Appointment of
Jesse H. Jones, Fed-
eral Loan Administra-
tor, to Office of Secre-
tary of Commerce.

Proviso.
Total compensa-
tion.

Approved, September 13, 1940, 1 p.m., E. S. T.

[CHAPTER 720]

AN ACT

To provide for the common defense by increasing the personnel of the armed forces of the United States and providing for its training.

September 16, 1940
[S. 4164]
[Public, No. 783]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress hereby declares that it is imperative to increase and train the personnel of the armed forces of the United States.

Selective Training
and Service Act of
1940.
Declarations of Con-
gress.

(b) The Congress further declares that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service.

(c) The Congress further declares, in accordance with our traditional military policy as expressed in the National Defense Act of 1916, as amended, that it is essential that the strength and organization of the National Guard, as an integral part of the first-line defenses of this Nation, be at all times maintained and assured. To this end, it is the intent of the Congress that whenever the Congress shall determine that troops are needed for the national security in excess of those of the Regular Army and those in active training and service under section 3 (b), the National Guard of the United States, or such part thereof as may be necessary, shall be ordered to active Federal service and continued therein so long as such necessity exists.

39 Stat. 166.

SEC. 2. Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every male alien residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of twenty-one and thirty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder.

Registration.
Age limits.

SEC. 3. (a) Except as otherwise provided in this Act, every male citizen of the United States, and every male alien residing in the United States who has declared his intention to become such a citizen, between the ages of twenty-one and thirty-six at the time fixed for his registration, shall be liable for training and service in the land or naval forces of the United States. The President is authorized from time to time, whether or not a state of war exists, to select and induct into the land and naval forces of the United States for training and service, in the manner provided in this Act, such number of men as in his judgment is required for such forces in the national interest: *Provided*, That within the limits of the quota determined under section 4 (b) for the subdivision in which he resides, any person, regardless of race or color, between the ages of eighteen and thirty-six, shall be afforded an oppor-

Liability for train-
ing and service.

Number of men to
be selected and in-
ducted.

Provisos.
Volunteering for in-
duction.

Fitness required.	tunity to volunteer for induction into the land or naval forces of the United States for the training and service prescribed in subsection (b), but no person who so volunteers shall be inducted for such training and service so long as he is deferred after classification: <i>Provided further</i> , That no man shall be inducted for training and service under this Act unless and until he is acceptable to the land or naval forces for such training and service and his physical and mental fitness for such training and service has been satisfactorily determined: <i>Provided further</i> , That no men shall be inducted for such training and service until adequate provision shall have been made for such shelter, sanitary facilities, water supplies, heating and lighting arrangements, medical care, and hospital accommodations, for such men, as may be determined by the Secretary of War or the Secretary of the Navy, as the case may be, to be essential to public and personal health: <i>Provided further</i> , That except in time of war there shall not be in active training or service in the land forces of the United States at any one time under subsection (b) more than nine hundred thousand men inducted under the provisions of this Act. The men inducted into the land or naval forces for training and service under this Act shall be assigned to camps or units of such forces.
Adequate shelter, etc., for men inducted.	
Peacetime land forces, maximum.	
Camp, etc., assignments.	
Period of service.	(b) Each man inducted under the provisions of subsection (a) shall serve for a training and service period of twelve consecutive months, unless sooner discharged, except that whenever the Congress has declared that the national interest is imperiled, such twelve-month period may be extended by the President to such time as may be necessary in the interests of national defense.
Transfer to reserve component.	(c) Each such man, after the completion of his period of training and service under subsection (b), shall be transferred to a reserve component of the land or naval forces of the United States; and until he attains the age of forty-five, or until the expiration of a period of ten years after such transfer, or until he is discharged from such reserve component, whichever occurs first, he shall be deemed to be a member of such reserve component and shall be subject to such additional training and service as may now or hereafter be prescribed by law: <i>Provided</i> , That any man who completes at least twelve months' training and service in the land forces under subsection (b), and who thereafter serves satisfactorily in the Regular Army or in the active National Guard for a period of at least two years, shall, in time of peace, be relieved from any liability to serve in any reserve component of the land or Naval forces of the United States and from further liability for the training and service under subsection (b), but nothing in this subsection shall be construed to prevent any such man, while in a reserve component of such forces, from being ordered or called to active duty in such forces.
Period of membership.	
<i>Proviso.</i> Relief of certain persons from liability to serve in time of peace.	
Call to active duty.	
Pay, allowances, pensions, etc.	(d) With respect to the men inducted for training and service under this Act there shall be paid, allowed, and extended the same pay, allowances, pensions, disability and death compensation, and other benefits as are provided by law in the case of other enlisted men of like grades and length of service of that component of the land or naval forces to which they are assigned, and after transfer to a reserve component of the land or naval forces as provided in subsection (c) there shall be paid, allowed, and extended with respect to them the same benefits as are provided by law in like cases with respect to other members of such reserve component. Men in such training and service and men who have been so transferred to reserve components shall have an opportunity to qualify for promotion.
Benefits extended.	
Promotions.	(e) Persons inducted into the land forces of the United States under this Act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands.
Use of land forces beyond Western Hemisphere, restriction.	

(f) Nothing contained in this or any other Act shall be construed as forbidding the payment of compensation by any person, firm, or corporation to persons inducted into the land or naval forces of the United States for training and service under this Act, or to members of the reserve components of such forces now or hereafter on any type of active duty, who, prior to their induction or commencement of active duty, were receiving compensation from such person, firm, or corporation.

Compensation from private parties.

SEC. 4. (a) The selection of men for training and service under section 3 (other than those who are voluntarily inducted pursuant to this Act) shall be made in an impartial manner, under such rules and regulations as the President may prescribe, from the men who are liable for such training and service and who at the time of selection are registered and classified but not deferred or exempted: *Provided*, That in the selection and training of men under this Act, and in the interpretation and execution of the provisions of this Act, there shall be no discrimination against any person on account of race or color.

Impartiality of selection.

Proviso.
No race discrimination.

(b) Quotas of men to be inducted for training and service under this Act shall be determined for each State, Territory, and the District of Columbia, and for subdivisions thereof, on the basis of the actual number of men in the several States, Territories, and the District of Columbia, and the subdivisions thereof, who are liable for such training and service but who are not deferred after classification, except that credits shall be given in fixing such quotas for residents of such subdivisions who are in the land and naval forces of the United States on the date fixed for determining such quotas. After such quotas are fixed, credits shall be given in filling such quotas for residents of such subdivisions who subsequently become members of such forces. Until the actual numbers necessary for determining the quotas are known, the quotas may be based on estimates, and subsequent adjustments therein shall be made when such actual numbers are known. All computations under this subsection shall be made in accordance with such rules and regulations as the President may prescribe.

Basis for determining quotas.

Credits.

Computations.

SEC. 5. (a) Commissioned officers, warrant officers, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Public Health Service, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy; men who have been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as cadets, to the United States Naval Academy as midshipmen, or to the United States Coast Guard Academy as cadets, but only during the continuance of such acceptance; cadets of the advanced course, senior division, Reserve Officers' Training Corps or Naval Reserve Officers' Training Corps; and diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, residing in the United States, who are not citizens of the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2 and shall be relieved from liability for training and service under section 3 (b).

Persons exempt from registration.

(b) In time of peace, the following persons shall be relieved from liability to serve in any reserve component of the land or naval forces of the United States and from liability for training and service under section 3 (b)—

Persons exempt from liability to serve in time of peace.

(1) Any man who shall have satisfactorily served for at least three consecutive years in the Regular Army before or after or

Service in Regular Army.

partially before and partially after the time fixed for registration under section 2.

Service in active
National Guard and
Regular Army.

(2) Any man who as a member of the active National Guard shall have satisfactorily served for at least one year in active Federal service in the Army of the United States, and subsequent thereto for at least two consecutive years in the Regular Army or in the active National Guard, before or after or partially before and partially after the time fixed for registration under section 2.

Service in active
National Guard.

(3) Any man who is in the active National Guard at the time fixed for registration under section 2, and who shall have satisfactorily served therein for at least six consecutive years, before or after or partially before and partially after the time fixed for such registration.

Service in Officers'
Reserve Corps.

(4) Any man who is in the Officers' Reserve Corps on the eligible list at the time fixed for registration under section 2, and who shall have satisfactorily served therein on the eligible list for at least six consecutive years, before or after or partially before and partially after the time fixed for such registration: *Provided*, That nothing in this subsection shall be construed to prevent the persons enumerated in this subsection, while in reserve components of the land or naval forces of the United States, from being ordered or called to active duty in such forces.

Proviso.
Call to active duty.

Deferment of design-
ated public officers.

(c) (1) The Vice President of the United States, the Governors of the several States and Territories, members of the legislative bodies of the United States and of the several States and Territories, judges of the courts of record of the United States and of the several States and Territories and the District of Columbia, shall, while holding such offices, be deferred from training and service under this Act in the land and naval forces of the United States.

Officers necessary to
public health, safety,
or interest.

(2) The President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States, of any person holding an office (other than an office described in paragraph (1) of this subsection) under the United States or any State, Territory, or the District of Columbia, whose continued service in such office is found in accordance with section 10 (a) (2) to be necessary to the maintenance of the public health, safety, or interest.

Deferment of minis-
ters of religion, etc.

(d) Regular or duly ordained ministers of religion, and students who are preparing for the ministry in theological or divinity schools recognized as such for more than one year prior to the date of enactment of this Act, shall be exempt from training and service (but not from registration) under this Act.

Deferment of per-
sons employed in es-
sential industry, etc.

(e) The President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States of those men whose employment in industry, agriculture, or other occupations or employment, or whose activity in other endeavors, is found in accordance with section 10 (a) (2) to be necessary to the maintenance of the national health, safety, or interest. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States (1) of those men in a status with respect to persons dependent upon them for support which renders their deferment advisable, and (2) of those men found to be physically, mentally, or morally deficient or defective. No deferment from such training and service shall be made in the case of any individual except upon the basis of the status of such individual, and no such deferment shall be made of individuals by occupational groups or of groups of individuals in any plant or institution.

Persons with de-
pendents.

Deficient or defec-
tive persons.

(f) Any person who, during the year 1940, entered upon attendance for the academic year 1940-1941—

Deferment of certain college or university students.

(1) at any college or university which grants a degree in arts or science, to pursue a course of instruction satisfactory completion of which is prescribed by such college or university as a prerequisite to either of such degrees; or

(2) at any university described in paragraph (1), to pursue a course of instruction to the pursuit of which a degree in arts or science is prescribed by such university as a prerequisite;

and who, while pursuing such course of instruction at such college or university, is selected for training and service under this Act prior to the end of such academic year, or prior to July 1, 1941, whichever occurs first, shall, upon his request, be deferred from induction into the land or naval forces for such training and service until the end of such academic year, but in no event later than July 1, 1941.

(g) Nothing contained in this Act shall be construed to require any person to be subject to combatant training and service in the land or naval forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. Any such person claiming such exemption from combatant training and service because of such conscientious objections whose claim is sustained by the local board shall, if he is inducted into the land or naval forces under this Act, be assigned to noncombatant service as defined by the President, or shall, if he is found to be conscientiously opposed to participation in such noncombatant service, in lieu of such induction, be assigned to work of national importance under civilian direction. Any such person claiming such exemption from combatant training and service because of such conscientious objections shall, if such claim is not sustained by the local board, be entitled to an appeal to the appropriate appeal board provided for in section 10 (a) (2). Upon the filing of such appeal with the appeal board, the appeal board shall forthwith refer the matter to the Department of Justice for inquiry and hearing by the Department or the proper agency thereof. After appropriate inquiry by such agency, a hearing shall be held by the Department of Justice with respect to the character and good faith of the objections of the person concerned, and such person shall be notified of the time and place of such hearing. The Department shall, after such hearing, if the objections are found to be sustained, recommend to the appeal board (1) that if the objector is inducted into the land or naval forces under this Act, he shall be assigned to noncombatant service as defined by the President, or (2) that if the objector is found to be conscientiously opposed to participation in such noncombatant service, he shall in lieu of such induction be assigned to work of national importance under civilian direction. If after such hearing the Department finds that his objections are not sustained, it shall recommend to the appeal board that such objections be not sustained. The appeal board shall give consideration to but shall not be bound to follow the recommendation of the Department of Justice together with the record on appeal from the local board in making its decision. Each person whose claim for exemption from combatant training and service because of conscientious objections is sustained shall be listed by the local board on a register of conscientious objectors.

Conscientious objectors.

Assignment.

Appeal.

Hearing.

Recommendations. If objections sustained.

If not sustained.

Register of conscientious objectors.

No exception, etc., after cause therefor ceases.

(h) No exception from registration, or exemption or deferment from training and service, under this Act, shall continue after the cause therefor ceases to exist.

SEC. 6. The President shall have authority to induct into the land and naval forces of the United States under this Act no greater number

Number inducted restricted to appropriation therefor.

of men than the Congress shall hereafter make specific appropriation for from time to time.

Bounty and substitute prohibitions.
Proviso.
 Allowances not regarded as bounties.

SEC. 7. No bounty shall be paid to induce any person to enlist in or be inducted into the land or naval forces of the United States: *Provided*, That the clothing or enlistment allowances authorized by law shall not be regarded as bounties within the meaning of this section. No person liable for service in such forces shall be permitted or allowed to furnish a substitute for such service; no substitute as such shall be received, enlisted, enrolled, or inducted into the land or naval forces of the United States; and no person liable for training and service in such forces under section 3 shall be permitted to escape such training and service or be discharged therefrom prior to the expiration of his period of such training and service by the payment of money or any other valuable thing whatsoever as consideration for his release from such training and service or liability therefor.

Certificate upon completion of training, etc.

SEC. 8. (a) Any person inducted into the land or naval forces under this Act for training and service, who, in the judgment of those in authority over him, satisfactorily completes his period of training and service under section 3 (b) shall be entitled to a certificate to that effect upon the completion of such period of training and service, which shall include a record of any special proficiency or merit attained. In addition, each such person who is inducted into the land or naval forces under this Act for training and service shall be given a physical examination at the beginning of such training and service and a medical statement showing any physical defects noted upon such examination; and upon the completion of his period of training and service under section 3 (b), each such person shall be given another physical examination and shall be given a medical statement showing any injuries, illnesses or disabilities suffered by him during such period of training and service.

Physical examinations.

Restoration to positions.

(b) In the case of any such person who, in order to perform such training and service, has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within forty days after he is relieved from such training and service—

Government or D. C. employees.

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status, and pay;

Private employees.

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status, and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

State, etc., employees.

(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status, and pay.

Status upon restoration.

(c) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered as having been on furlough or leave of absence during his period of training and service in the land or naval forces, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was inducted into such forces, and shall not be discharged from such position without cause within one year after such restoration.

(d) Section 3 (c) of the joint resolution entitled "Joint Resolution to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service", approved August 27, 1940, is amended to read as follows:

Ante, p. 860.

"(c) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered as having been on furlough or leave of absence during his period of active military service, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was ordered into such service, and shall not be discharged from such position without cause within one year after such restoration."

Restoration without loss of seniority, etc.

(e) In case any private employer fails or refuses to comply with the provisions of subsection (b) or subsection (c), the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States district attorney or comparable official for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States district attorney or official, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions: *Provided*, That no fees or court costs shall be taxed against the person so applying for such benefits.

Remedial action upon failure to comply.

Representation by U. S. district attorney.

Proviso.
Court fees, etc.

Ante, p. 860.

(f) Section 3 (d) of the joint resolution entitled "Joint Resolution to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service", approved August 27, 1940, is amended by inserting before the period at the end of the first sentence the following: ", and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action".

Recovery of wages or benefits.

(g) The Director of Selective Service herein provided for shall establish a Personnel Division with adequate facilities to render aid in the replacement in their former positions of, or in securing positions for, members of the reserve components of the land and naval forces of the United States who have satisfactorily completed any period of active duty, and persons who have satisfactorily completed any period of their training and service under this Act.

Personnel Division. Establishment, functions, etc.

(h) Any person inducted into the land or naval forces for training and service under this Act shall, during the period of such training and service, be permitted to vote in person or by absentee ballot in any general, special, or primary election occurring in the State of which he is a resident, whether he is within or outside of such State at the time of such election, if under the laws of such State he is entitled so to vote in such election; but nothing in this subsection shall be construed to require granting to any such person a leave of absence for longer than one day in order to permit him to vote in person in any such election.

Right to vote, etc.

Employment of
members of Com-
munist Party, etc.

Placing of orders for
material, etc.

Compliance obliga-
tory.

Precedence over all
other orders.

Taking possession of
certain manufacturing
plants.

Authorization.

Failure to comply.

Penalty.

Compensation for
use of plants, etc.

Proviso.
Employment stand-
ards.

(i) It is the expressed policy of the Congress that whenever a vacancy is caused in the employment rolls of any business or industry by reason of induction into the service of the United States of an employee pursuant to the provisions of this Act such vacancy shall not be filled by any person who is a member of the Communist Party or the German-American Bund.

SEC. 9. The President is empowered, through the head of the War Department or the Navy Department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry.

Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof and shall take precedence over all other orders and contracts theretofore placed with such individual, firm, company, association, corporation, or organized manufacturing industry, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any plant equipped for the manufacture of arms or ammunition or parts of ammunition, or any necessary supplies or equipment for the Army or Navy, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any manufacturing plant, which, in the opinion of the Secretary of War or the Secretary of the Navy shall be capable of being readily transformed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War or the Secretary of the Navy, or who shall refuse to furnish such arms, ammunition, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War or the Secretary of the Navy, as the case may be, then, and in either such case, the President, through the head of the War or Navy Departments of the Government, in addition to the present authorized methods of purchase or procurement, is hereby authorized to take immediate possession of any such plant or plants, and through the appropriate branch, bureau, or department of the Army or Navy to manufacture therein such product or material as may be required, and any individual, firm, company, association, or corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and a fine not exceeding \$50,000.

The compensation to be paid to any individual, firm, company, association, corporation, or organized manufacturing industry for its products or material, or as rental for use of any manufacturing plant while used by the United States, shall be fair and just: *Provided*, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant.

The first and second provisos in section 8 (b) of the Act entitled "An Act to expedite national defense, and for other purposes", approved June 28, 1940 (Public Act Numbered 671, Seventy-sixth Congress), are hereby repealed.

SEC. 10. (a) The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this Act;

(2) to create and establish a Selective Service System, and shall provide for the classification of registrants and of persons who volunteer for induction under this Act on the basis of availability for training and service, and shall establish within the Selective Service System civilian local boards and such other civilian agencies, including appeal boards and agencies of appeal, as may be necessary to carry out the provisions of this Act. There shall be created one or more local boards in each county or political subdivision corresponding thereto of each State, Territory, and the District of Columbia. Each local board shall consist of three or more members to be appointed by the President, from recommendations made by the respective Governors or comparable executive officials. No member of any such local board shall be a member of the land or naval forces of the United States, but each member of any such local board shall be a civilian who is a citizen of the United States residing in the county or political subdivision corresponding thereto in which such local board has jurisdiction under rules and regulations prescribed by the President. Such local boards, under rules and regulations prescribed by the President, shall have power within their respective jurisdictions to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from, training and service under this Act of all individuals within the jurisdiction of such local boards. The decisions of such local boards shall be final except where an appeal is authorized in accordance with such rules and regulations as the President may prescribe. Appeal boards and agencies of appeal within the Selective Service System shall be composed of civilians who are citizens of the United States. No person who is an officer, member, agent, or employee of the Selective Service System, or of any such local or appeal board or other agency, shall be excepted from registration, or deferred from training and service, as provided for in this Act, by reason of his status as such officer, member, agent, or employee;

(3) to appoint by and with the advice and consent of the Senate, and fix the compensation at a rate not in excess of \$10,000 per annum, of a Director of Selective Service who shall be directly responsible to him and to appoint and fix the compensation of such other officers, agents, and employees as he may deem necessary to carry out the provisions of this Act: *Provided*, That any officer on the active or retired list of the Army, Navy, Marine Corps, or Coast Guard, or of any reserve component thereof or any officer or employee of any department or agency of the United States who may be assigned or detailed to any office or position to carry out the provisions of this Act (except to offices or positions on local boards, appeal boards, or agencies of appeal established or created pursuant to section 10 (a) (2)) may serve in and perform the functions of such office or position without loss of or prejudice to his status as such officer in the Army, Navy, Marine Corps, or Coast Guard or reserve component thereof, or as such officer or employee in any

Provisos repealed.

Ante, p. 680.

Rules, etc.

Selective Service System.
Classification of registrants.

Civilian local boards.

Membership.

Requirements.

Powers.

Finality of board's decisions; exception.

Appeal boards, etc.

Selective Service System personnel not exempt by reason of such status.

Director of Selective Service.
Appointment; salary.

Other officers, etc.

Provisos.
Assignments not to prejudice status, etc.

Senate approval of designated appointments.

Other employees.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

Utilization of Government, etc., agencies.

Printing, binding, etc.

44 U. S. C., Supp. V, § 14.

Parole.

Delegation of authority.

Voluntary services.
Penalty envelopes.

Fiscal, disbursing, and accounting agent.

Penal provisions.

department or agency of the United States: *Provided further*, That any person so appointed, assigned or detailed to a position the compensation in respect of which is at a rate in excess of \$5,000 per annum shall be appointed, assigned or detailed by and with the advice and consent of the Senate: *Provided further*, That the President may appoint necessary clerical and stenographic employees for local boards and fix their compensation without regard to the Classification Act of 1923, as amended, and without regard to the provisions of civil-service laws.

(4) to utilize the services of any or all departments and any and all officers or agents of the United States and to accept the services of all officers and agents of the several States, Territories, and the District of Columbia and subdivisions thereof in the execution of this Act; and

(5) to purchase such printing, binding, and blankbook work from public, commercial, or private printing establishments or binderies upon orders placed by the Public Printer or upon waivers issued in accordance with section 12 of the Printing Act approved January 12, 1895, as amended by the Act of July 8, 1935 (49 Stat. 475), and to obtain by purchase, loan, or gift such equipment and supplies for the Selective Service System as he may deem necessary to carry out the provisions of this Act, with or without advertising or formal contract; and

(6) to prescribe eligibility, rules, and regulations governing the parole for service in the land or naval forces, or for any other special service established pursuant to this Act, of any person convicted of a violation of any of the provisions of this Act.

(b) The President is further authorized, under such rules and regulations as he may prescribe, to delegate and provide for the delegation of any authority vested in him under this Act to such officers, agents, or persons as he may designate or appoint for such purpose or as may be designated or appointed for such purpose pursuant to such rules and regulations as he may prescribe.

(c) In the administration of this Act voluntary services may be accepted. Correspondence necessary in the execution of this Act may be carried in official penalty envelopes.

(d) The Chief of Finance, United States Army, is hereby designated, empowered, and directed to act as the fiscal, disbursing, and accounting agent of the Director of Selective Service in carrying out the provisions of this Act.

SEC. 11. Any person charged as herein provided with the duty of carrying out any of the provisions of this Act, or the rules or regulations made or directions given thereunder, who shall knowingly fail or neglect to perform such duty, and any person charged with such duty, or having and exercising any authority under said Act, rules, regulations, or directions who shall knowingly make, or be a party to the making, of any false, improper, or incorrect registration, classification, physical or mental examination, deferment, induction, enrollment, or muster, and any person who shall knowingly make, or be a party to the making of, any false statement or certificate as to the fitness or unfitness or liability or nonliability of himself or any other person for service under the provisions of this Act, or rules, regulations, or directions made pursuant thereto, or who otherwise evades registration or service in the land or naval forces or any of the requirements of this Act, or who knowingly counsels, aids, or abets another to evade registration or service in the land or naval forces or any of the requirements of this Act, or of said rules, regulations, or directions, or who in any manner shall knowingly fail or neglect to perform any duty required

of him under or in the execution of this Act, or rules or regulations made pursuant to this Act, or any person or persons who shall knowingly hinder or interfere in any way by force or violence with the administration of this Act or the rules or regulations made pursuant thereto, or conspire to do so, shall, upon conviction in the district court of the United States having jurisdiction thereof, be punished by imprisonment for not more than five years or a fine of not more than \$10,000, or by both such fine and imprisonment, or if subject to military or naval law may be tried by court martial, and, on conviction, shall suffer such punishment as a court martial may direct. No person shall be tried by any military or naval court martial in any case arising under this Act unless such person has been actually inducted for the training and service prescribed under this Act or unless he is subject to trial by court martial under laws in force prior to the enactment of this Act. Precedence shall be given by courts to the trial of cases arising under this Act.

SEC. 12. (a) The monthly base pay of enlisted men of the Army and the Marine Corps shall be as follows: Enlisted men of the first grade, \$126; enlisted men of the second grade, \$84; enlisted men of the third grade, \$72; enlisted men of the fourth grade, \$60; enlisted men of the fifth grade, \$54; enlisted men of the sixth grade, \$36; enlisted men of the seventh grade, \$30; except that the monthly base pay of enlisted men with less than four months' service during their first enlistment period and of enlisted men of the seventh grade whose inefficiency or other unfitness has been determined under regulations prescribed by the Secretary of War, and the Secretary of the Navy, respectively, shall be \$21. The pay for specialists' ratings, which shall be in addition to monthly base pay, shall be as follows: First class, \$30; second class, \$25; third class, \$20; fourth class, \$15; fifth class, \$6; sixth class, \$3. Enlisted men of the Army and the Marine Corps shall receive, as a permanent addition to their pay, an increase of 10 per centum of their base pay and pay for specialists' ratings upon completion of the first four years of service, and an additional increase of 5 per centum of such base pay and pay for specialists' ratings for each four years of service thereafter, but the total of such increases shall not exceed 25 per centum. Enlisted men of the Navy shall be entitled to receive at least the same pay and allowances as are provided for enlisted men in similar grades in the Army and Marine Corps.

(b) The pay for specialists' rating received by an enlisted man of the Army or the Marine Corps at the time of his retirement shall be included in the computation of his retired pay.

(c) The pay of enlisted men of the sixth grade of the National Guard for each armory drill period, and for each day of participation in exercises under sections 94, 97, and 99 of the National Defense Act, shall be \$1.20.

(d) No back pay or allowances shall accrue by reason of this Act for any period prior to October 1, 1940.

(e) Nothing in this Act shall operate to reduce the pay now being received by any retired enlisted man.

(f) The provisions of this section shall be effective on and after October 1, 1940. Thereafter all laws and parts of laws insofar as the same are inconsistent herewith or in conflict with the provisions hereof are hereby repealed.

SEC. 13. (a) The benefits of the Soldiers and Sailors Civil Relief Act, approved March 8, 1918, are hereby extended to all persons inducted into the land or naval forces under this Act, and to all members of any reserve component of such forces now or hereafter on active duty for a period of more than one month; and, except as

Enlisted men of
Army and Marine
Corps.
Monthly base pay.

Specialists' ratings.

Increase upon com-
pleting certain periods
of service.

Navy, enlisted men.

Specialists' rating
on retirement.

National Guard,
pay.
39 Stat. 206, 207.
32 U. S. C. §§ 63-65,
144-146.

Back pay, etc.

Pay of retired en-
listed men.

Effective date.

Repeal.

Soldiers and Sailors
Civil Relief Act, 1918.
Benefits extended.
40 Stat. 440.
Post, p. 1191.

hereinafter provided, the provisions of such Act of March 8, 1918, shall be effective for such purposes.

(b) For the purposes of this section—

Inoperative provisions.
40 Stat. 440, 441, 444-448, 449.

(1) the following provisions of such Act of March 8, 1918, shall be inoperative: Section 100; paragraphs (1), (2), and (5) of section 101; article 4; article 5; paragraph (2) of section 601; and section 603;

Terms defined.
"Persons in military service."

(2) the term "persons in military service", when used in such Act of March 8, 1918, shall be deemed to mean persons inducted into the land or naval forces under this Act and all members of any reserve component of such forces now or hereafter on active duty for a period of more than one month;

"Period of military service."

(3) the term "period of military service", when used in such Act of March 8, 1918, when applicable with respect to any such person, shall be deemed to mean the period beginning with the date of enactment of this Act, or the date on which such person is inducted into such forces under this Act for any period of training and service or is ordered to such active duty, whichever is the later, and ending sixty days after the date on which such period of training and service or active duty terminates;

"Date of approval of this Act."

(4) the term "date of approval of this Act", when used in such Act of March 8, 1918, shall be deemed to mean the date of enactment of the Selective Training and Service Act of 1940.

40 Stat. 443.

(c) Article III of such Act of March 8, 1918, is amended by adding at the end thereof the following new section:

Installment contracts.
Termination agreements, etc.

"Sec. 303. Nothing contained in section 301 shall prevent the termination or cancellation of a contract referred to in such section, nor the repossession or retention of property purchased or received under such contract, pursuant to a mutual agreement of the parties thereto, or their assignees, if such agreement is executed in writing subsequent to the making of such contract and during the period of military service of the person concerned."

Notice of requirements.

Sec. 14. (a) Every person shall be deemed to have notice of the requirements of this Act upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 2.

Separability of provisions.

(b) If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Voluntary enlistments or reenlistments.

(c) Nothing contained in this Act shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the land and naval forces of the United States, including the reserve components thereof.

Terms defined.
"Between the ages of twenty-one and thirty-six."

Sec. 15. When used in this Act—

(a) The term "between the ages of twenty-one and thirty-six" shall refer to men who have attained the twenty-first anniversary of the day of their birth and who have not attained the thirty-sixth anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner.

"United States."

(b) The term "United States", when used in a geographical sense, shall be deemed to mean the several States, the District of Columbia, Alaska, Hawaii, and Puerto Rico.

"Dependent."

(c) The term "dependent" when used with respect to a person registered under the provisions of this Act includes only an individual (1) who is dependent in fact on such person for support in a reasonable manner, and (2) whose support in such a manner depends on income earned by such person in a business, occupation, or employment.

"Land or naval forces" and "land and naval forces."

(d) The terms "land or naval forces" and "land and naval forces" shall be deemed to include aviation units of such forces.

(e) The term "district court of the United States" shall be deemed to include the courts of the United States for the Territories and the possessions of the United States.

"District court of the United States."

SEC. 16. (a) Except as provided in this Act, all laws and parts of laws in conflict with the provisions of this Act are hereby suspended to the extent of such conflict for the period in which this Act shall be in force.

Suspension of conflicting laws.

(b) All the provisions of this Act, except the provisions of sections 3 (c), 3 (d), 8 (g), and 12, shall become inoperative and cease to apply on and after May 15, 1945, except as to offenses committed prior to such date, unless this Act is continued in effect by the Congress.

Period of operation, etc.

(c) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.

Appropriation authorized. Post, p. 970.

SEC. 17. This Act shall take effect immediately.

When effective.

SEC. 18. This Act may be cited as the "Selective Training and Service Act of 1940".

Short title.

Approved, September 16, 1940, 3:08 p. m., E. S. T.

[CHAPTER 721]

AN ACT

To authorize the Reconstruction Finance Corporation to make loans for the development of deposits of strategic and critical minerals which in the opinion of the Corporation would be of value to the United States in time of war, and to authorize the Reconstruction Finance Corporation to make more adequate loans for mineral developmental purposes.

September 16, 1940
[S. 4008]
[Public, No. 784]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 of the Act entitled "An Act relating to direct loans for industrial purposes by Federal Reserve banks, and for other purposes," approved June 19, 1934, as amended, is amended to read as follows:

Reconstruction Finance Corporation.
48 Stat. 1112.
16 U. S. C. § 606d; Supp. V, § 606d.

"SEC. 14. The Reconstruction Finance Corporation is authorized and empowered to make loans upon sufficient security to recognized and established corporations, individuals, and partnerships engaged in the business of mining, milling, or smelting ores. The Reconstruction Finance Corporation is authorized and empowered also to make loans to corporations, individuals, and partnerships engaged in the development of a quartz ledge, or vein, or other ore body, or placer deposit, containing gold, silver, or tin, or gold and silver, or any strategic or critical mineral which in the opinion of the Reconstruction Finance Corporation would be of value to the United States in time of war, when, in the opinion of the Reconstruction Finance Corporation, there is sufficient reason to believe that, through the use of such loan in the development of a lode, ledge, or vein, or mineral deposit, or placer gravel deposit, there will be developed a sufficient quantity of ore, or placer deposits of a sufficient value to pay a profit upon mining operations: *Provided*, That not to exceed \$20,000 shall be loaned to any corporation, individual, or partnership for such development purposes; except that not in excess of \$40,000 in the aggregate may be loaned to any corporation, individual, or partnership for such purposes, if such corporation, individual, or partnership has expended funds previously obtained from the Reconstruction Finance Corporation for such purposes in such manner as to justify an additional loan for such purposes: *Provided further*, That there shall not be allocated or made available for such development loans a sum in excess of \$10,000,000."

Loans for mineral development purposes.

Strategic or critical minerals.

Provisos.
Maximum loan.

Aggregate amount.

Approved, September 16, 1940.

[CHAPTER 722]

AN ACT

September 18, 1940
[S. 2009]
[Public, No. 785]

To amend the Act to regulate commerce, approved February 4, 1887, as amended, so as to provide for unified regulation of carriers by railroad, motor vehicle, and water, and for other purposes.

Transportation Act
of 1940.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles and sections according to the following table of contents, may be cited as the Transportation Act of 1940:

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- Sec. 2. Amendments to section 1 (3), (4), and (5).
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- Sec. 4. Amendments to section 1 (14), (17), and (18).
- Sec. 5. Amendments to section 3.
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TITLE I—AMENDMENTS TO EXISTING LAW

SHORT TITLE FOR ACT TO REGULATE COMMERCE; DECLARATION OF NATIONAL TRANSPORTATION POLICY

SECTION 1. The Act entitled "An Act to regulate commerce", approved February 4, 1887, as amended (U. S. C., 1934 edition, title 49, secs. 1-27; Supp. IV, title 49, secs. 3, 6, 11, 15, 18, 21, 22, 25, 26, 301-327), is amended by inserting before part I the following:

24 Stat. 379.

"SHORT TITLE

"This Act may be cited as the Interstate Commerce Act.

Interstate Commerce Act.

"NATIONAL TRANSPORTATION POLICY

"It is hereby declared to be the national transportation policy of the Congress to provide for fair and impartial regulation of all modes of transportation subject to the provisions of this Act, so administered as to recognize and preserve the inherent advantages of each; to promote safe, adequate, economical, and efficient service and foster sound economic conditions in transportation and among the several carriers; to encourage the establishment and maintenance of reasonable charges for transportation services, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices; to cooperate with the several States and the duly authorized officials thereof; and to encourage fair wages and equitable working conditions;—all to the end of developing, coordinating, and preserving a national transportation system by water, highway, and rail, as well as other means, adequate to meet the needs of the commerce of the United States, of the Postal Service, and of the national defense. All of the provisions of this Act shall be administered and enforced with a view to carrying out the above declaration of policy."

National transportation policy.

AMENDMENTS TO SECTION 1 (3), (4), AND (5)

SEC. 2. (a) Paragraph (3) of section 1 of the Interstate Commerce Act, as amended, is amended by inserting after "(3)" the letter "(a)" and by adding at the end thereof a new sentence as follows: "The term 'person' as used in this part includes an individual, firm, copartnership, corporation, company, association, or joint-stock association; and includes a trustee, receiver, assignee, or personal representative thereof."

Part I of the Interstate Commerce Act.
 Post, p. 919.
 "Person" defined.
 41 Stat. 474.
 49 U. S. C. § 1 (3).

(b) Such paragraph (3) is amended by adding at the end thereof a new subparagraph (b) as follows:

"(b) For the purposes of sections 5, 12 (1), 20, 204 (a) (7), 210, 220, 304 (b), 310, and 313 of this Act, where reference is made to control (in referring to a relationship between any person or persons and

"Control" construed.
 Post, pp. 905, 910, 916, 922, 923, 926, 933, 943, 944.

another person or persons), such reference shall be construed to include actual as well as legal control, whether maintained or exercised through or by reason of the method of or circumstances surrounding organization or operation, through or by common directors, officers, or stockholders, a voting trust or trusts, a holding or investment company or companies, or through or by any other direct or indirect means; and to include the power to exercise control."

41 Stat. 475.
49 U. S. C. § 1 (4).
Ante, p. 899.

Through routes,
rates, etc.

Post, p. 929.

Operating facilities.

Divisions of joint
rates.

41 Stat. 475.
49 U. S. C. § 1 (5).

Contracts with tele-
phone, etc., compa-
nies.

(c) Paragraph (4) of such section 1 (which relates to the duty of common carriers subject to part I to establish through routes and rates applicable thereto), is amended to read as follows:

"(4) It shall be the duty of every common carrier subject to this part to provide and furnish transportation upon reasonable request therefor, and to establish reasonable through routes with other such carriers, and just and reasonable rates, fares, charges, and classifications applicable thereto; and it shall be the duty of common carriers by railroad subject to this part to establish reasonable through routes with common carriers by water subject to part III, and just and reasonable rates, fares, charges, and classifications applicable thereto. It shall be the duty of every such common carrier establishing through routes to provide reasonable facilities for operating such routes and to make reasonable rules and regulations with respect to their operation, and providing for reasonable compensation to those entitled thereto; and in case of joint rates, fares, or charges, to establish just, reasonable, and equitable divisions thereof, which shall not unduly prefer or prejudice any of such participating carriers."

(d) Paragraph (5) of such section 1 is amended by inserting after "(5)" the letter "(a)" and by striking out the following: "*And provided further*, That nothing in this part shall be construed to prevent telephone, telegraph and cable companies from entering into contracts with common carriers for the exchange of services", and by adding after such paragraph (5) (a) a new paragraph as follows:

"(b) Nothing in this Act shall be construed to prevent any common carrier subject to this Act from entering into or operating under any contract with any telephone, telegraph, or cable company, for the exchange of their services."

TRANSPORTATION FREE OR AT REDUCED RATES

41 Stat. 475.
49 U. S. C. § 1 (7).

SEC. 3. (a) Paragraph (7) of section 1 of the Interstate Commerce Act, as amended, is amended by striking out "and their families, its officers, agents, surgeons, physicians, and attorneys at law;" and inserting in lieu thereof a comma and the following: "its officers, surgeons, physicians, and attorneys at law, and the families of any of the foregoing; to the executive officers, general chairmen, and counsel of employees' organizations when such organizations are authorized and designated to represent employees in accordance with the provisions of the Railway Labor Act;"

44 Stat. 577.
45 U. S. C., ch. 8;
Supp. V, ch. 8.

(b) Such paragraph (7) is further amended by striking out "to Railway Mail Service employees, post-office inspectors," and inserting in lieu thereof "to railway mail-service employees and persons in charge of the mails when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and the Railway Mail Service and post-office inspectors while traveling on official business, upon the exhibition of their credentials; to".

25 Stat. 862.
49 U. S. C. § 22;
Supp. V, § 22.

(c) The first sentence of paragraph (1) of section 22 of the Interstate Commerce Act, as amended, is amended—

(1) by inserting after "the necessary agents employed in such transportation," the following: "or the transportation of persons for the United States Government free or at reduced rates,"; and

(2) by inserting after "free carriage to their own officers and employees," the following: "or to prevent the free carriage, storage, or handling by a carrier of the household goods and other personal effects of its own officers or employees when such goods and effects must necessarily be moved from one place to another as a result of a change in the place of employment of such officers or employees while in the service of the carrier,".

(d) The last sentence of paragraph (1) of such section 22 (which relates to reduced rates to improve housing conditions, and so forth) is hereby repealed.

48 Stat. 1264.
49 U. S. C. § 22 (1);
Supp. V, § 22 (1).

(e) Paragraph (1) of such section 22 is hereby amended by striking out "(1)"; and paragraphs (2) and (3) of such section 22 (which relate to the issuance of interchangeable mileage tickets), are hereby repealed.

42 Stat. 827; 25 Stat.
862.
49 U. S. C. § 22;
Supp. V, § 22.

AMENDMENTS TO SECTION 1 (14), (17), AND (18)

SEC. 4. (a) Paragraph (14) of section 1 of the Interstate Commerce Act, as amended, is amended to read as follows:

41 Stat. 476.
49 U. S. C. § 1 (14).

"(14) (a) The Commission may, after hearing, on a complaint or upon its own initiative without complaint, establish reasonable rules, regulations, and practices with respect to car service by common carriers by railroad subject to this part, including the compensation to be paid and other terms of any contract, agreement, or arrangement for the use of any locomotive, car, or other vehicle not owned by the carrier using it (and whether or not owned by another carrier), and the penalties or other sanctions for nonobservance of such rules, regulations, or practices.

Car service.
Establishment of
rules, etc.

"(b) It shall be unlawful for any common carrier by railroad or express company, subject to this part, to make or enter into any contract, agreement, or arrangement with any person for the furnishing to or on behalf of such carrier or express company of protective service against heat or cold to property transported or to be transported in interstate or foreign commerce, or for any such carrier or express company to continue after April 1, 1941, as a party to any such contract, agreement, or arrangement unless and until such contract, agreement, or arrangement has been submitted to and approved by the Commission as just, reasonable, and consistent with the public interest: *Provided*, That if the Commission is unable to make its determination with respect to any such contract, agreement, or arrangement prior to said date, it may extend it to not later than October 1, 1941."

Contracts for pro-
tective service against
heat or cold.

(b) Paragraph (17) of such section 1 (which relates to the duty of carriers by railroad, and their agents, to obey orders of the Commission relating to car service) is amended by inserting after "(17)" the letter "(a)"; and by adding after such paragraph (17) (a) the following new subparagraph:

Proviso.
Time extension.

41 Stat. 477.
49 U. S. C. § 1 (17).

"(b) It shall be unlawful for any person to offer or give or cause or procure to be offered or given, directly or indirectly, any money, property, or thing of value, or bribe in any other form whatsoever, to any person acting for or employed by any carrier by railroad subject to this part with intent to influence his decision or action, or because of his decision or action, with respect to the supply, distribution, or movement of cars or other vehicles, or vessels, used in the transportation of property. It shall be unlawful for any person acting for or employed by any carrier by railroad subject to this part to solicit, accept, or receive, directly or indirectly, any money, property, or thing of value, or bribe in any other form whatsoever, with intent to be influenced thereby in his decision or action, or because of his decision or action, with respect to the supply, distribution, or movement of cars or other vehicles, or vessels, used in the transportation

Bribery.

Penalty.

of property. Any person who violates the provisions of this subparagraph shall be deemed guilty of a misdemeanor and be subject for each offense to a fine of not more than \$1,000, or imprisonment in the penitentiary for a term of not more than two years, or both such fine and imprisonment."

41 Stat. 477.
49 U. S. C. § 1 (18).
Spur, etc., tracks.
Post, p. 905.

(c) Paragraph (18) of such section 1 is amended by adding at the end thereof a new sentence as follows: "Nothing in this paragraph or in section 5 shall be considered to prohibit the making of contracts between carriers by railroad subject to this part, without the approval of the Commission, for the joint ownership or joint use of spur, industrial, team, switching, or side tracks."

AMENDMENTS TO SECTION 3

41 Stat. 479.
49 U. S. C. § 3 (1);
Supp. V, § 3.
Ante, p. 899.

SEC. 5. (a) Paragraph (1) of section 3 of the Interstate Commerce Act, as amended (which prohibits the giving of undue or unreasonable preferences or advantages by carriers subject to part I), is amended to read as follows:

Undue preference.

"(1) It shall be unlawful for any common carrier subject to the provisions of this part to make, give, or cause any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, association, locality, port, port district, gateway, transit point, region, district, territory, or any particular description of traffic, in any respect whatsoever; or to subject any particular person, company, firm, corporation, association, locality, port, port district, gateway, transit point, region, district, territory, or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever: *Provided, however,* That this paragraph shall not be construed to apply to discrimination, prejudice, or disadvantage to the traffic of any other carrier of whatever description.

Undue disadvantage.

Proviso.
Construction of paragraph, restriction.

Export rates on farm commodities.

"(1a) It is hereby declared to be the policy of Congress that shippers of wheat, cotton, and all other farm commodities for export shall be granted export rates on the same principles as are applicable in the case of rates on industrial products for export. The Commission is hereby directed, on its own initiative or an application by interested persons, to make such investigations and conduct such hearings, and, after appropriate proceedings, to issue such orders, as may be necessary to carry out such policy."

Rate investigations.

(b) The Interstate Commerce Commission is authorized and directed to institute an investigation into the rates on manufactured products, agricultural commodities, and raw materials, between points in one classification territory and points in another such territory, and into like rates within any of such territories, maintained by common carriers by rail or water subject to part I of the Interstate Commerce Act, as amended, for the purpose of determining whether said rates are unjust and unreasonable or unlawful in any other respect in and of themselves or in their relation to each other, and to enter such orders as may be appropriate for the removal of any unlawfulness which may be found to exist: *Provided,* That the Commission in its discretion may confine its investigation to such manufactured products, agricultural commodities, and raw materials, and the rates thereon as shippers thereof may specifically request be included in such investigation.

Ante, p. 899.

Proviso.
Scope of investigation.

41 Stat. 479.
49 U. S. C. § 3 (2).

Reconsignments,
etc.; liability of beneficial owner.

(c) Paragraph (2) of such section 3 (which requires payment of charges prior to delivery of freight, and prescribes certain rules of liability for payment of charges), is amended by adding at the end the following sentences: "On shipments reconsigned or diverted by an agent who has furnished the carrier in the reconsignment or

diversion order with a notice of agency and the proper name and address of the beneficial owner, and where such shipments are refused or abandoned at ultimate destination, the said beneficial owner shall be liable for all legally applicable charges in connection therewith. If the reconsignor or diverter has given to the carrier erroneous information as to who the beneficial owner is, such reconsignor or diverter shall himself be liable for all such charges, and an action for the enforcement of his liability may be begun within the same period provided in the case of an action against a consignee who has given erroneous information as to the beneficial owner."

(d) Such section 3 is amended by adding after paragraph (2) thereof the following new paragraph:

"(3) If a shipper or consignor of a shipment of property (other than a prepaid shipment) is also the consignee named in the bill of lading and, prior to the time of delivery, notifies, in writing, a delivering carrier by railroad or a delivering express company subject to the provisions of this part, (a) to deliver such property at destination to another party, (b) that such party is the beneficial owner of such property, and (c) that delivery is to be made to such party only upon payment of all transportation charges in respect of the transportation of such property, and delivery is made by the carrier to such party without such payment, such shipper or consignor shall not be liable (as shipper, consignor, consignee, or otherwise) for such transportation charges but the party to whom delivery is so made shall in any event be liable for transportation charges billed against the property at the time of such delivery, and also for any additional charges which may be found to be due after delivery of the property, except that if such party prior to such delivery has notified in writing the delivering carrier that he is not the beneficial owner of the property, and has given in writing to such delivering carrier the name and address of such beneficial owner, such party shall not be liable for any additional charges which may be found to be due after delivery of the property; but if the party to whom delivery is made has given to the carrier erroneous information as to the beneficial owner, such party shall nevertheless be liable for such additional charges. If the shipper or consignor has given to the delivering carrier erroneous information as to who the beneficial owner is, such shipper or consignor shall himself be liable for such transportation charges, notwithstanding the foregoing provisions of this paragraph and irrespective of any provisions to the contrary in the bill of lading or in the contract of transportation under which the shipment was made. An action for the enforcement of such liability either against the party to whom delivery is made or the shipper or consignor may be begun within the period provided in paragraph (3) of section 16, or before the expiration of six months after final judgment against the carrier in an action against either of such parties begun within the limitation period provided in paragraph (3) of section 16. The term 'delivering carrier' means the line-haul carrier making ultimate delivery."

(e) Paragraph (3) of such section 3 (which relates to the affording of facilities for interchange of traffic), is amended by striking out "(3)" and substituting in lieu thereof "(4)" and is further amended to read as follows:

"(4) All carriers subject to the provisions of this part shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines and connecting lines, and for the receiving, forwarding, and delivering of passengers or property to and from connecting lines; and shall not discriminate in their rates, fares, and

41 Stat. 479.
49 U. S. C. § 3 (2).

Liability of shipper
when consignee.

Liability of receiver.

Exception.

Liability of shipper.

Time limitations.
41 Stat. 492.
49 U. S. C. § 16 (3).

"Delivering carrier"
defined.

41 Stat. 479.
49 U. S. C. § 3 (3).

Facilities for inter-
change of traffic.

Rates.

"Connecting line" defined.

Post, p. 929.

41 Stat. 479.
49 U. S. C. § 3 (4).
Common use of terminals.

charges between connecting lines, or unduly prejudice any connecting line in the distribution of traffic that is not specifically routed by the shipper. As used in this paragraph the term 'connecting line' means the connecting line of any carrier subject to the provisions of this part or any common carrier by water subject to part III."

(f) Paragraph (4) of such section 3 (which relates to the Commission's power to require common use of terminals), is amended—

(1) by striking out "(4)" and substituting in lieu thereof "(5)";

(2) by striking out in the first sentence the words "a carrier" and substituting in lieu thereof the words "a common carrier by railroad";

(3) by striking out in the first sentence the words "any carrier, by another carrier or other carriers" and substituting in lieu thereof the words "any common carrier by railroad, by another such carrier or other such carriers"; and

(4) by adding after the words "shall have power" in the first sentence the words "by order".

LONG AND SHORT HAUL PROVISION

41 Stat. 480.
49 U. S. C. § 4 (1).

Long and short hauls, through routes, etc.

Unlawful charges.
Post, p. 929.

Provisos.
Special cases.

Tariff proposals.

When effective.

Temporary continuance of existing rates.

SEC. 6. (a) Paragraph (1) of section 4 of the Interstate Commerce Act, as amended, is amended to read as follows:

"(1) It shall be unlawful for any common carrier subject to this part or part III to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through rate than the aggregate of the intermediate rates subject to the provisions of this part or part III, but this shall not be construed as authorizing any common carrier within the terms of this part or part III to charge or receive as great compensation for a shorter as for a longer distance: *Provided*, That upon application to the Commission such common carrier may in special cases, after investigation, be authorized by the Commission to charge less for longer than for shorter distances for the transportation of passengers or property; and the Commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section, but in exercising the authority conferred upon it in this proviso the Commission shall not permit the establishment of any charge to or from the more distant point that is not reasonably compensatory for the service performed; and no such authorization shall be granted on account of merely potential water competition not actually in existence: *And provided further*, That tariffs proposing rates subject to the provisions of this paragraph may be filed when application is made to the Commission under the provisions hereof, and in the event such application is approved, the Commission shall permit such tariffs to become effective upon one day's notice."

(b) In the case of a carrier heretofore subject to the provisions of paragraph (1) of section 4 of the Interstate Commerce Act, as amended, no rate, fare, or charge lawfully in effect at the time of the enactment of this Act shall be required to be changed by reason of the amendments made to such paragraph by subsection (a) of this section. In the case of a carrier not heretofore subject to the provisions of such paragraph, no rate, fare, or charge lawfully in effect at the time of the enactment of this Act shall be required to be changed, by reason of the provisions of such paragraph, as amended by subsection (a) of this section, prior to six months after the enactment of this Act, or in case application for the continuance of any such existing rate,

fare, or charge is filed with the Interstate Commerce Commission within such six months period, until the Commission has acted upon such application.

POOLING; UNIFICATIONS, MERGERS, AND ACQUISITIONS OF CONTROL

SEC. 7. Section 5 of the Interstate Commerce Act, as amended, is amended to read as follows:

"SEC. 5. (1) Except upon specific approval by order of the Commission as in this section provided, and except as provided in paragraph (16) of section 1 of this part, it shall be unlawful for any common carrier subject to this part, part II, or part III to enter into any contract, agreement, or combination with any other such common carrier or carriers for the pooling or division of traffic, or of service, or of gross or net earnings, or of any portion thereof; and in any case of an unlawful agreement for the pooling or division of traffic, service, or earnings as aforesaid each day of its continuance shall be a separate offense: *Provided*, That whenever the Commission is of opinion, after hearing upon application of any such carrier or carriers or upon its own initiative, that the pooling or division, to the extent indicated by the Commission, of their traffic, service, or gross or net earnings, or of any portion thereof, will be in the interest of better service to the public or of economy in operation, and will not unduly restrain competition, the Commission shall by order approve and authorize, if assented to by all the carriers involved, such pooling or division, under such rules and regulations, and for such consideration as between such carriers and upon such terms and conditions, as shall be found by the Commission to be just and reasonable in the premises: *Provided further*, That any contract, agreement, or combination to which any common carrier by water subject to part III is a party, relating to the pooling or division of traffic, service, or earnings, or any portion thereof, lawfully existing on the date this paragraph as amended takes effect, if filed with the Commission within six months after such date, shall continue to be lawful except to the extent that the Commission, after hearing upon application or upon its own initiative, may find and by order declare that such contract, agreement, or combination is not in the interest of better service to the public or of economy in operation, or that it will unduly restrain competition.

"(2) (a) It shall be lawful, with the approval and authorization of the Commission, as provided in subdivision (b)—

"(i) for two or more carriers to consolidate or merge their properties or franchises, or any part thereof, into one corporation for the ownership, management, and operation of the properties theretofore in separate ownership; or for any carrier, or two or more carriers jointly, to purchase, lease, or contract to operate the properties, or any part thereof, of another; or for any carrier, or two or more carriers jointly, to acquire control of another through ownership of its stock or otherwise; or for a person which is not a carrier to acquire control of two or more carriers through ownership of their stock or otherwise; or for a person which is not a carrier and which has control of one or more carriers to acquire control of another carrier through ownership of its stock or otherwise; or

"(ii) for a carrier by railroad to acquire trackage rights over, or joint ownership in or joint use of, any railroad line or lines owned or operated by any other such carrier, and terminals incidental thereto.

41 Stat. 480.
49 U. S. C. § 5 (1).

Unlawful agree-
ments.
Pooling, etc.
41 Stat. 477.
49 U. S. C. § 1 (16)
Post, pp. 919, 929.

Providos.
Approval when in
interest of better serv-
ice.

Contract, etc., in
which carrier by water
is a party.
Post, p. 929.

Mergers.

Application.	<p>“(b) Whenever a transaction is proposed under subparagraph (a), the carrier or carriers or person seeking authority therefor shall present an application to the Commission, and thereupon the Commission shall notify the Governor of each State in which any part of the properties of the carriers involved in the proposed transaction is situated, and also such carriers and the applicant or applicants (and, in case carriers by motor vehicle are involved, the persons specified in section 205 (e)), and shall afford reasonable opportunity for interested parties to be heard. If the Commission shall consider it necessary in order to determine whether the findings specified below may properly be made, it shall set said application for public hearing, and a public hearing shall be held in all cases where carriers by railroad are involved. If the Commission finds that, subject to such terms and conditions and such modifications as it shall find to be just and reasonable, the proposed transaction is within the scope of subparagraph (a) and will be consistent with the public interest, it shall enter an order approving and authorizing such transaction, upon the terms and conditions, and with the modifications, so found to be just and reasonable: <i>Provided</i>, That if a carrier by railroad subject to this part, or any person which is controlled by such a carrier, or affiliated therewith within the meaning of paragraph (6), is an applicant in the case of any such proposed transaction involving a motor carrier, the Commission shall not enter such an order unless it finds that the transaction proposed will be consistent with the public interest and will enable such carrier to use service by motor vehicle to public advantage in its operations and will not unduly restrain competition.</p>
Notice to Governor.	
Hearing. 49 Stat. 550. 49 U. S. C., Supp. V, § 305 (f). <i>Post</i> , p. 922.	
Approval.	
<i>Proviso.</i> When motor carrier involved.	
Considerations.	<p>“(c) In passing upon any proposed transaction under the provisions of this paragraph (2), the Commission shall give weight to the following considerations, among others: (1) The effect of the proposed transaction upon adequate transportation service to the public; (2) the effect upon the public interest of the inclusion, or failure to include, other railroads in the territory involved in the proposed transaction; (3) the total fixed charges resulting from the proposed transaction; and (4) the interest of the carrier employees affected.</p>
Conditions prerequisite to approval.	<p>“(d) The Commission shall have authority in the case of a proposed transaction under this paragraph (2) involving a railroad or railroads, as a prerequisite to its approval of the proposed transaction, to require, upon equitable terms, the inclusion of another railroad or other railroads in the territory involved, upon petition by such railroad or railroads requesting such inclusion, and upon a finding that such inclusion is consistent with the public interest.</p>
Payment of dividends.	<p>“(e) No transaction which contemplates a guaranty or assumption of payment of dividends or of fixed charges, shall be approved by the Commission under this paragraph (2) except upon a specific finding by the Commission that such guaranty or assumption is not inconsistent with the public interest. No transaction shall be approved under this paragraph (2) which will result in an increase of total fixed charges, except upon a specific finding by the Commission that such increase would not be contrary to public interest.</p>
Protection of employees.	<p>“(f) As a condition of its approval, under this paragraph (2), of any transaction involving a carrier or carriers by railroad subject to the provisions of this part, the Commission shall require a fair and equitable arrangement to protect the interests of the railroad employees affected. In its order of approval the Commission shall include terms and conditions providing that during the period of four years from the effective date of such order such transaction will not result in employees of the carrier or carriers by railroad affected by such order being in a worse position with respect to their employ-</p>

ment, except that the protection afforded to any employee pursuant to this sentence shall not be required to continue for a longer period, following the effective date of such order, than the period during which such employee was in the employ of such carrier or carriers prior to the effective date of such order. Notwithstanding any other provisions of this Act, an agreement pertaining to the protection of the interests of said employees may hereafter be entered into by any carrier or carriers by railroad and the duly authorized representative or representatives of its or their employees.

"(3) Whenever a person which is not a carrier is authorized, by an order entered under paragraph (2), to acquire control of any carrier or of two or more carriers, such person thereafter shall, to the extent provided by the Commission in such order, be considered as a carrier subject to such of the following provisions as are applicable to any carrier involved in such acquisition of control: Section 20 (1) to (10), inclusive, of this part, sections 204 (a) (1) and (2) and 220 of part II, and section 313 of part III, (which relate to reports, accounts, and so forth, of carriers), and section 20a (2) to (11), inclusive, of this part, and section 214 of part II, (which relate to issues of securities and assumptions of liability of carriers), including in each case the penalties applicable in the case of violations of such provisions. In the application of such provisions of section 20a of this part and of section 214 of part II, in the case of any such person, the Commission shall authorize the issue or assumption applied for only if it finds that such issue or assumption is consistent with the proper performance of its service to the public by each carrier which is under the control of such person, that it will not impair the ability of any such carrier to perform such service, and that it is otherwise consistent with the public interest.

"(4) It shall be unlawful for any person, except as provided in paragraph (2), to enter into any transaction within the scope of subparagraph (a) thereof, or to accomplish or effectuate, or to participate in accomplishing or effectuating, the control or management in a common interest of any two or more carriers, however such result is attained, whether directly or indirectly, by use of common directors, officers, or stockholders, a holding or investment company or companies, a voting trust or trusts, or in any other manner whatsoever. It shall be unlawful to continue to maintain control or management accomplished or effectuated after the enactment of this amendatory paragraph and in violation of its provisions. As used in this paragraph and paragraph (5), the words 'control or management' shall be construed to include the power to exercise control or management.

"(5) For the purposes of this section, but not in anywise limiting the application of the provisions thereof, any transaction shall be deemed to accomplish or effectuate the control or management in a common interest of two carriers—

"(a) if such transaction is by a carrier, and if the effect of such transaction is to place such carrier and persons affiliated with it, taken together, in control of another carrier;

"(b) if such transaction is by a person affiliated with a carrier, and if the effect of such transaction is to place such carrier and persons affiliated with it, taken together, in control of another carrier;

"(c) if such transaction is by two or more persons acting together, one of whom is a carrier or is affiliated with a carrier, and if the effect of such transaction is to place such persons and carriers and persons affiliated with any one of them and persons affiliated with any such affiliated carrier, taken together, in control of another carrier.

Control by person
not a carrier.

Post, p. 916.
49 Stat. 546.
Post, pp. 926, 944.
41 Stat. 494.
Post, p. 924.

Control in common
interest.

"Control or manage-
ment" construed.

Transactions effec-
tuating control in
common interest.

When person held to be affiliated with carrier.

"(6) For the purposes of this section a person shall be held to be affiliated with a carrier if, by reason of the relationship of such person to such carrier (whether by reason of the method of, or circumstances surrounding organization or operation, or whether established through common directors, officers, or stockholders, a voting trust or trusts, a holding or investment company or companies, or any other direct or indirect means), it is reasonable to believe that the affairs of any carrier of which control may be acquired by such person will be managed in the interest of such other carrier.

Investigation of violations.

"(7) The Commission is hereby authorized, upon complaint or upon its own initiative without complaint, but after notice and hearing, to investigate and determine whether any person is violating the provisions of paragraph (4). If the Commission finds after such investigation that such person is violating the provisions of such paragraph, it shall by order require such person to take such action as may be necessary, in the opinion of the Commission, to prevent continuance of such violation. The provisions of this paragraph shall be in addition to, and not in substitution for, any other enforcement provisions contained in this part; and with respect to any violation of paragraphs (2) to (12), inclusive, of this section, any penalty provision applying to such a violation by a common carrier subject to this part shall apply to such a violation by any other person.

Order to prevent continuance.

Provisions deemed additional.

Jurisdiction of district courts.

"(8) The district courts of the United States shall have jurisdiction upon the complaint of the Commission, alleging a violation of any of the provisions of this section or disobedience of any order issued by the Commission thereunder by any person, to issue such writs of injunction or other proper process, mandatory or otherwise, as may be necessary to restrain such person from violation of such provision or to compel obedience to such order.

Supplemental orders.

"(9) The Commission may from time to time, for good cause shown, make such orders, supplemental to any order made under paragraph (1), (2), or (7), as it may deem necessary or appropriate.

Motor carriers, merger, control, etc.

"(10) Nothing in this section shall be construed to require the approval or authorization of the Commission in the case of a transaction within the scope of paragraph (2) where the only parties to the transaction are motor carriers subject to part II (but not including a motor carrier controlled by or affiliated with a carrier as defined in section 1 (3)), and where the aggregate number of motor vehicles owned, leased, controlled, or operated by such parties, for purposes of transportation subject to part II, does not exceed twenty.

Post, p. 919.

Ante, p. 899.

Authority conferred deemed exclusive and plenary.

"(11) The authority conferred by this section shall be exclusive and plenary, and any carrier or corporation participating in or resulting from any transaction approved by the Commission thereunder, shall have full power (with the assent, in the case of a purchase and sale, a lease, a corporate consolidation, or a corporate merger, of a majority, unless a different vote is required under applicable State law, in which case the number so required shall assent, of the votes of the holders of the shares entitled to vote of the capital stock of such corporation at a regular meeting of such stockholders, the notice of such meeting to include such purpose, or at a special meeting thereof called for such purpose) to carry such transaction into effect and to own and operate any properties and exercise any control or franchises acquired through said transaction without invoking any approval under State authority; and any carriers or other corporations, and their officers and employees and any other persons, participating in a transaction approved or authorized under the provisions of this section shall be and they are hereby relieved from the operation of the antitrust laws and of all other restraints, limitations, and prohibitions of law, Federal, State, or municipal, insofar as may be necessary to enable them to

When carriers relieved from antitrust laws, etc.

carry into effect the transaction so approved or provided for in accordance with the terms and conditions, if any, imposed by the Commission, and to hold, maintain, and operate any properties and exercise any control or franchises acquired through such transaction. Nothing in this section shall be construed to create or provide for the creation, directly or indirectly, of a Federal corporation, but any power granted by this section to any carrier or other corporation shall be deemed to be in addition to and in modification of its powers under its corporate charter or under the laws of any State.

Federal corporation.

"(12) If any provision of the foregoing paragraphs of this section, or the application thereof to any person or circumstances, is held invalid, the other provisions of such paragraphs, and the application of such provision to any other person or circumstances, shall not be affected thereby.

Saving clause.

"(13) As used in paragraphs (2) to (12), inclusive, the term 'carrier' means a carrier by railroad and an express company, subject to this part; a motor carrier subject to part II; and a water carrier subject to part III.

"Carrier" defined.

Post, pp. 919, 929.

"(14) Notwithstanding the provisions of paragraph (2), from and after the 1st day of July 1914, it shall be unlawful for any carrier, as defined in section 1 (3), or (after the date of the enactment of this amendatory section) any person controlling, controlled by, or under common control with, such a carrier to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water operated through the Panama Canal or elsewhere with which such carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense.

Interest in competing water carrier.

Ante, p. 899.

"(15) Jurisdiction is hereby conferred on the Commission to determine questions of fact, arising under paragraph (14), as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of such paragraph and may pray for an order permitting the continuance of any vessel or vessels already in operation, or may pray for an order under the provisions of paragraph (16). The Commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the Commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said Commission shall be final.

Determination of question of competition.

"(16) Notwithstanding the provisions of paragraph (14), the Commission shall have authority, upon application of any carrier, as defined in section 1 (3), and after hearing, by order to authorize such carrier to own or acquire ownership of, to lease or operate, to have or acquire control of, or to have or acquire an interest in, a common carrier by water or vessel, not operated through the Panama Canal, with which the applicant does or may compete for traffic, if the Commission shall find that the continuance or acquisition of such ownership, lease, operation, control, or interest will not prevent such common carrier by water or vessel from being operated in the interest of the public and with advantage to the convenience and commerce of the people, and that it will not exclude, prevent, or reduce competition on the route by water under consideration:

Authority to authorize interest in competing water carrier.
Ante, p. 899.

Provisos.
Application of additional provisions.

Authorization unnecessary if extension order in effect.

37 Stat. 557.
49 U. S. C. § 5 (21).

Provided, That if the transaction or interest sought to be entered into, continued, or acquired is within the scope of paragraph (2) (a), the provisions of paragraph (2) shall be applicable thereto in addition to the provisions of this paragraph: *And provided further*, That no such authorization shall be necessary if the carrier having the ownership, lease, operation, control, or interest has, prior to the date this section as amended becomes effective, obtained an order of extension under the provisions of paragraph (21) of this section, as in effect prior to such date, and such order is still in effect."

AMENDMENTS TO SECTION 6

41 Stat. 483.
49 U. S. C. § 6 (6).
Schedules.
Ante, p. 899.

Form and manner of filing.

SEC. 8. (a) Paragraph (6) of section 6 of the Interstate Commerce Act, as amended (which relates to the Commission's authority with respect to schedules of carriers subject to part I), is amended to read as follows:

"(6) The schedules required by this section to be filed shall be published, filed, and posted in such form and manner as the Commission by regulation shall prescribe; and the Commission is authorized to reject any schedule filed with it which is not in accordance with this section and with such regulations. Any schedule so rejected by the Commission shall be void and its use shall be unlawful."

Repeal.
41 Stat. 483.
49 U. S. C. § 6 (11)-(12).

(b) Paragraphs (11) and (12) of such section 6 (which require any common carrier subject to part I to furnish, on written request, a written statement of the rate applicable to a described shipment, and which require a common carrier by railroad to keep posted in every freight station the name of a resident agent), are hereby repealed.

Through routes.
Jurisdiction of Commission.
41 Stat. 483.
49 U. S. C. § 6 (13).

(c) Paragraph (13) of such section (which relates to the jurisdiction of the Commission as to through routes, joint rates, and other matters in connection with certain combination rail and water transportation), is further amended—

(1) by striking out "(13)" and inserting in lieu thereof "(11)";

(2) by repealing subparagraph (b) thereof;

(3) by striking out "(c)" in subparagraph (c) thereof and inserting in lieu thereof "(b)"; and

(4) by repealing subparagraph (d) thereof.

(d) Such section 6 is further amended by inserting at the end thereof a new paragraph as follows:

Arrangements with water carriers in foreign, etc., trade.

"(12) If any common carrier subject to this Act enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Commission may by order require such common carrier to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country."

AMENDMENTS TO SECTIONS 12 AND 13

41 Stat. 484.
49 U. S. C. § 12 (1).

Inquiries and reports on management.

SEC. 9. (a) The provisions of paragraph (1) of section 12 of the Interstate Commerce Act, as amended, down to and including the second semicolon therein, are amended to read as follows:

"(1) The Commission shall have authority, in order to perform the duties and carry out the objects for which it was created, to inquire into and report on the management of the business of all common carriers subject to the provisions of this part, and to inquire into and report on the management of the business of persons controlling, controlled by, or under a common control with, such carriers, to the extent that the business of such persons is related to the management of the business of one or more such carriers, and the Commission shall keep

itself informed as to the manner and method in which the same are conducted. The Commission may obtain from such carriers and persons such information as the Commission deems necessary to carry out the provisions of this part; and may transmit to Congress from time to time such recommendations (including recommendations as to additional legislation) as the Commission may deem necessary. The Commission is hereby authorized and required to execute and enforce the provisions of this part;".

(b) Paragraph (2) of section 13 of such Act, as amended (which relates to investigations by the Commission upon complaint or upon its own motion), is amended by adding at the end thereof the following sentence: "Representatives of State commissions sitting with the Commission, under the provisions of this section, in cases pending before the Commission, shall receive such allowances for travel and subsistence expense as the Commission shall provide."

(c) The last two sentences of paragraph (3) of such section 13 (which relates to the authority of the Commission to confer and cooperate with State authorities in certain cases) are amended by striking out the words "this part" where they appear therein and inserting in lieu thereof "this part or part III".

Recommendations
to Congress.

Enforcement.

41 Stat. 484.
49 U. S. C. § 13 (2).
Investigations.

Representatives of
State commissions, ex-
penses.

41 Stat. 484; 49 Stat.
543.
49 U. S. C. § 13;
Supp. V, ch. 1 (note).
Cooperation with
States in certain cases.

AMENDMENTS TO SECTIONS 15 AND 15A

SEC. 10. (a) Paragraph (1) of section 15 of the Interstate Commerce Act, as amended (which relates to the Commission's power to prescribe just and reasonable rates for carriers subject to part I), is amended by striking out the following: "(or, in the case of a through route where one of the carriers is a water line, the maximum rates, fares, and charges applicable thereto)".

(b) Paragraphs (3) and (4) of such section 15 (which relate to the Commission's authority to establish through routes and joint rates, fares, and charges, and divisions of such rates, fares, and charges; and which impose certain limitations on the Commission's power to prescribe through routes) are amended to read as follows:

"(3) The Commission may, and it shall whenever deemed by it to be necessary or desirable in the public interest, after full hearing upon complaint or upon its own initiative without complaint, establish through routes, joint classifications, and joint rates, fares, or charges, applicable to the transportation of passengers or property by carriers subject to this part, or by carriers by railroad subject to this part and common carriers by water subject to part III, or the maxima or minima, or maxima and minima, to be charged, and the divisions of such rates, fares, or charges as hereinafter provided, and the terms and conditions under which such through routes shall be operated. The Commission shall not, however, establish any through route, classification, or practice, or any rate, fare, or charge, between street electric passenger railways not engaged in the general business of transporting freight in addition to their passenger and express business, and railroads of a different character. If any tariff or schedule canceling any through route or joint rate, fare, charge, or classification, without the consent of all carriers parties thereto or authorization by the Commission, is suspended by the Commission for investigation, the burden of proof shall be upon the carrier or carriers proposing such cancelation to show that it is consistent with the public interest, without regard to the provisions of paragraph (4) of this section.

"(4) In establishing any such through route the Commission shall not (except as provided in section 3, and except where one of the carriers is a water line) require any carrier by railroad, without its

41 Stat. 484.
49 U. S. C. § 15 (1).

41 Stat. 485.
49 U. S. C. § 15 (3)
and (4).

Establishment of
through routes, joint
rates, etc.

Post, p. 929.

Restriction.

Burden of proof in
cancelations.

Through routes to
embrace entire length;
exception.

consent, to embrace in such route substantially less than the entire length of its railroad and of any intermediate railroad operated in conjunction and under a common management or control therewith, which lies between the termini of such proposed through route, (a) unless such inclusion of lines would make the through route unreasonably long as compared with another practicable through route which could otherwise be established, or (b) unless the Commission finds that the through route proposed to be established is needed in order to provide adequate, and more efficient or more economic, transportation: *Provided, however,* That in prescribing through routes the Commission shall, so far as is consistent with the public interest, and subject to the foregoing limitations in clauses (a) and (b), give reasonable preference to the carrier by railroad which originates the traffic. No through route and joint rates applicable thereto shall be established by the Commission for the purpose of assisting any carrier that would participate therein to meet its financial needs. In time of shortage of equipment, congestion of traffic, or other emergency declared by the Commission, it may (either upon complaint or upon its own initiative without complaint, at once, if it so orders, without answer or other formal pleadings by the interested carrier or carriers, and with or without notice, hearing, or the making or filing of a report, according as the Commission may determine) establish temporarily such through routes as in its opinion are necessary or desirable in the public interest."

Proviso.
Preference to carrier
originating traffic.

Financial considera-
tions.

Temporary through
routes in emergencies.

41 Stat. 487.
49 U. S. C. § 15 (7).

Burden of proof on
change of rates, rules,
etc.

41 Stat. 488.
49 U. S. C. § 15 (13).
Allowances for serv-
ices rendered.

41 Stat. 488.
49 U. S. C. § 15a (2).
Ante, p. 899.

Rate-making policy.

(c) The last sentence of paragraph (7) of such section 15 is amended to read as follows:

"At any hearing involving a change in a rate, fare, charge, or classification, or in a rule, regulation, or practice, after the date this amendatory provision takes effect, the burden of proof shall be upon the carrier to show that the proposed changed rate, fare, charge, classification, rule, regulation, or practice is just and reasonable, and the Commission shall give to the hearing and decision of such questions preference over all other questions pending before it and decide the same as speedily as possible."

(d) Paragraph (13) of such section 15 (which relates to allowances to owners of property for services rendered to carriers in connection with transportation) is amended by inserting after "the charge and allowance therefor shall be", the following: "published in tariffs or schedules filed in the manner provided in this part and shall be".

(e) Paragraph (2) of section 15a of the Interstate Commerce Act, as amended (which contains the rule of rate making for part I), is amended to read as follows:

"(2) In the exercise of its power to prescribe just and reasonable rates the Commission shall give due consideration, among other factors, to the effect of rates on the movement of traffic by the carrier or carriers for which the rates are prescribed; to the need, in the public interest, of adequate and efficient railway transportation service at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable the carriers, under honest, economical, and efficient management to provide such service."

AMENDMENTS TO SECTION 16

41 Stat. 491.
49 U. S. C. § 16;
Supp. V, § 16 (note).
Orders of Commis-
sion.

SEC. 11. (a) Section 16 of the Interstate Commerce Act, as amended (which relates to orders of the Commission and enforcement thereof), is amended—

(1) by striking out in paragraph (2) thereof the word "circuit" before "court" wherever it appears and substituting in lieu thereof the word "district"; by striking out the word "petition" in the

first sentence and substituting in lieu thereof the word "complaint"; by striking out the word "petitioner" in the second and third sentences and substituting in lieu thereof the word "plaintiff";

(2) by striking out in paragraph (3) (a) thereof the words "three years" and substituting in lieu thereof the words "two years";

(3) by striking out in paragraph (3) (c) thereof the words "three years" and substituting in lieu thereof the words "two years", and by striking out the word "three-year" and substituting in lieu thereof the word "two-year";

(4) by striking out in paragraph (3) (d) thereof the word "three-year" and substituting in lieu thereof the word "two-year";

(5) by striking out in paragraph (3) (f) thereof the word "petition" and substituting in lieu thereof the word "complaint"; and

(6) by striking out in paragraph (12) thereof the words "the Commerce Court" and substituting in lieu thereof the words "any district court of the United States of competent jurisdiction" and by striking out the words "that Court" and the words "the Court" in the second sentence and substituting in lieu thereof the words "such court".

(b) Paragraph (5) of such section 16 is amended by adding at the end thereof a new sentence as follows: "In proceedings before the Commission involving the lawfulness of rates, fares, charges, classifications, or practices, service of notice upon an attorney in fact of a carrier who has filed a tariff or schedule in behalf of such carrier shall be deemed to be due and sufficient service upon the carrier, except where the carrier has designated an agent in the city of Washington, District of Columbia, upon whom service of notices and processes may be made, as provided in section 6 of the Act of June 18, 1910 (U. S. C., 1934 edition, title 49, sec. 50)."

(c) The amendments made by subsection (a) of this section to paragraph (3) (a) and (c) of section 16 of the Interstate Commerce Act, as amended, shall apply only in the case of causes of action accruing after the date this section takes effect.

41 Stat. 492.
49 U. S. C. § 16 (5).
Service of notice.

36 Stat. 544.

Application of
amendments.

COMMISSION PROCEDURE; DELEGATION OF DUTIES; REHEARINGS

SEC. 12. Section 16a of the Interstate Commerce Act, as amended, is hereby repealed, and section 17 of such Act, as amended, is amended to read as follows:

"SEC. 17. (1) The Commission is hereby authorized by its order to divide the members thereof into as many divisions (each to consist of not less than three members) as it may deem necessary, which may be changed from time to time. Such divisions shall be designated, respectively, division one, division two, and so forth, or by a term descriptive of the principal subject, work, business, or function assigned or referred to such divisions. The Commission may designate one or more of its divisions as appellate divisions. Any Commissioner may be assigned to such division or divisions as the Commission may direct, and the senior in service of the Commissioners constituting a division shall act as chairman thereof unless otherwise directed by the Commission. When a vacancy occurs in any division or when a Commissioner because of absence, or other cause, is unable to serve thereon, the Chairman of the Commission or any Commissioner designated by him for that purpose may serve temporarily on such division until the Commission otherwise orders.

"(2) The Commission may by order direct that any of its work, business, or functions under any provision of law (except matters

34 Stat. 592.
49 U. S. C. § 16a.
41 Stat. 492.
49 U. S. C. § 17.

Division of Com-
mission, designations.

Assignment of Com-
missioners.

Temporary service.

Assignment of work.

49 Stat. 548.
49 U. S. C. Supp. V,
§ 305.
Post, p. 922.

Boards.

Employees eligible
for designation.

Basis of assign-
ments.

Conduct of proceed-
ings.

Official seal.

Quorum.

Hearings.

Powers of division,
individual Commis-
sioner, or board.

required to be referred to joint boards by section 205, and except functions vested in the Commission under this section), or any matter which shall have been or may be referred to it by Congress or by either branch thereof, be assigned or referred to any division, to an individual Commissioner, or to a board to be composed of three or more eligible employees of the Commission (hereinafter in this section called a 'board') to be designated by such order, for action thereon, and the Commission may by order at any time amend, modify, supplement, or rescind any such assignment or reference. The following classes of employees shall be eligible for designation by the Commission to serve on such boards: examiners, directors or assistant directors of bureaus, chiefs of sections, and attorneys. The assignment or reference, to divisions, of work, business, or functions relating to the lawfulness of rates, fares, or charges shall be made according to the character of regulation to be exercised and not according to the kind or class of the carriers involved or to the form or mode of transportation in which such carriers may be engaged. When an individual Commissioner, or any employee, is unable to act upon any matter so assigned or referred because of absence or other cause, the Chairman of the Commission may designate another Commissioner or employee, as the case may be, to serve temporarily until the Commission otherwise orders.

"(3) The Commission shall conduct its proceedings under any provision of law in such manner as will best conduce to the proper dispatch of business and to the ends of justice. The Commission shall have an official seal, which shall be judicially noticed. Any member of the Commission, the Secretary of the Commission, or any member of a board may administer oaths and affirmations and any member of the Commission or the Secretary of the Commission (or any member of a board in connection with the performance of any work, business, or functions referred under this section to a board upon which he serves) may sign subpoenas. A majority of the Commission, of a division, or of a board shall constitute a quorum for the transaction of business. The Commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, or before any division, individual Commissioner, or board, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party may appear before the Commission or any division, individual Commissioner, or board and be heard in person or by attorney. Every vote and official act of the Commission, or of any division, individual Commissioner, or board, shall be entered of record, and such record shall be made public upon the request of any party interested. All hearings before the Commission, a division, individual Commissioner, or board shall be public upon the request of any party interested. No Commissioner or employee shall participate in any hearing or proceeding in which he shall have any pecuniary interest.

"(4) A division, an individual Commissioner, or a board shall have authority to hear and determine, order, certify, report, or otherwise act as to any work, business, or functions assigned or referred thereto under the provisions of this section, and with respect thereto shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations. The secretary and seal of the Commission shall be the secretary and seal of each division, individual Commissioner, or board. Except as otherwise provided in this section, any order, decision, or requirement of a division, an individual Commissioner, or a board, with respect to any matter so assigned or referred, shall have the same force and effect, and may be made and evidenced in the same manner as if made or taken by the Commission.

"(5) Any finding, report, or requirement of an individual Commissioner or board, with respect to any matter so assigned or referred involving the taking of testimony at a public hearing, shall be accompanied by a statement in writing of the reasons therefor, together with a recommended order, which shall be filed with the Commission. Copies thereof shall be served upon interested parties (including, in proceedings under part II, persons specified in section 205 (e)), who may file exceptions thereto, but if within twenty days after service upon such persons, or within such further period as the Commission or a duly designated division thereof may authorize, no exceptions shall have been filed, such recommended order shall become the order of the Commission and become effective unless within such period the order shall have been stayed or postponed by the Commission or by a duly designated division thereof. The Commission, or a duly designated division thereof, upon its own motion may, and where exceptions are filed it shall, reconsider the matter either upon the same record or after further hearing, and such recommended order shall thereupon be stayed or postponed pending final determination thereof.

"(6) After a decision, order, or requirement shall have been made by the Commission, a division, an individual Commissioner, or a board, or after an order recommended by an individual Commissioner or a board shall have become the order of the Commission as provided in paragraph (5), any party thereto may at any time, subject to such limitations as may be established by the Commission as hereinafter authorized, make application for rehearing, reargument, or reconsideration of the same, or of any matter determined therein. Such applications shall be governed by such general rules as the Commission may establish. Any such application, if the decision, order, or requirement was made by the Commission, shall be considered and acted upon by the Commission. If the decision, order, or requirement was made by a division, an individual Commissioner, or a board, such application shall be considered and acted upon by the Commission or referred to an appropriate appellate division for consideration and action. Rehearing, reargument, or reconsideration may be granted if sufficient reason therefor be made to appear; but the Commission may, from time to time, make or amend general rules or orders establishing limitations upon the right to apply for rehearing, reargument, or reconsideration of a decision, order, or requirement of the Commission or of a division so as to confine such right to proceedings, or classes of proceedings, involving issues of general transportation importance. Notwithstanding the foregoing provisions of this paragraph, any application for rehearing, reargument, or reconsideration of a matter assigned or referred to an individual Commissioner or a board, under the provisions of paragraph (2), if such application shall have been filed within twenty days after the recommended order in the proceeding shall have become the order of the Commission as provided in paragraph (5), and if such matter shall not have been reconsidered or reheard as provided in such paragraph, shall be referred to an appropriate appellate division of the Commission and such division shall reconsider the matter either upon the same record or after a further hearing.

"(7) If after rehearing, reargument, or reconsideration of a decision, order, or requirement of a division, an individual Commissioner, or board it shall appear that the original decision, order, or requirement is in any respect unjust or unwarranted, the Commission or appellate division may reverse, change, or modify the same accordingly. Any decision, order, or requirement made after rehearing, reargument, or reconsideration, reversing, changing, or modifying the original determination shall be subject to the same provisions with respect to rehearing, reargument, or reconsideration as an original order.

Taking of testimony.

Service of order.
Post, pp. 919, 922.

When order effective.

Reconsideration where exceptions filed.

Application for rehearing.

Rules.

Appeal.

Reversal of decision.

Postponement of order pending decision.

"(8) Where application for rehearing, reargument, or reconsideration of a decision, order, or requirement of a division, an individual Commissioner, or board is made in accordance with the provisions of this section and the rules and regulations of the Commission, and the decision, order, or requirement has not yet become effective, the decision, order, or requirement shall be stayed or postponed pending disposition of the matter by the Commission or appellate division; but otherwise the making of such an application shall not excuse any person from complying with or obeying the decision, order, or requirement, or operate to stay or postpone the enforcement thereof, without the special order of the Commission.

Suits to enforce, etc., orders.

"(9) When an application for rehearing, reargument, or reconsideration of any decision, order, or requirement of a division, an individual Commissioner, or a board with respect to any matter assigned or referred to him or it shall have been made and shall have been denied, or after rehearing, reargument, or reconsideration otherwise disposed of, by the Commission or an appellate division, a suit to enforce, enjoin, suspend, or set aside such decision, order, or requirement, in whole or in part, may be brought in a court of the United States under those provisions of law applicable in the case of suits to enforce, enjoin, suspend, or set aside orders of the Commission, but not otherwise.

Hearings on matters respecting motor carriers.
Post, p. 919.

"(10) Any matter arising in the administration of part II of this Act as to which a hearing is to be held may be referred to an examiner of the Commission, for action thereon, subject to the conditions and limitations provided in this section in the case of reference of work, business or functions, as to which a hearing is to be held, to an individual Commissioner or board.

Intervention allowed.

"(11) Representatives of employees of a carrier, duly designated as such, may intervene and be heard in any proceeding arising under this Act affecting such employees.

Admission to practice.

"(12) The Commission is authorized to promulgate reasonable rules and regulations relating to admission to practice before it, and is authorized to impose a reasonable fee for such admission, and such fees shall be covered into the Treasury of the United States as miscellaneous receipts."

AMENDMENTS TO SECTION 20

41 Stat. 493.
49 U. S. C. § 20.
Ante, p. 899.

SEC. 13. (a) Paragraphs (1) to (8), inclusive, of section 20 of the Interstate Commerce Act, as amended (which relate to accounts, records, reports, etc., of carriers subject to part I), are amended to read as follows:

Reports from carriers and lessors.

"SEC. 20. (1) The Commission is hereby authorized to require annual, periodical, or special reports from carriers (as defined in this section) and from lessors (as defined in this section), to prescribe the manner and form in which such reports shall be made, and to require from such carriers and lessors specific and full, true, and correct answers to all questions upon which the Commission may deem information to be necessary, classifying such carriers and lessors as it may deem proper for any of these purposes. Such annual reports shall give an account of the affairs of the carrier or lessor in such form and detail as may be prescribed by the Commission.

Information required.

"(2) Said annual reports shall contain all the required information for the period of twelve months ending on the 31st day of December in each year, unless the Commission shall specify a different date, and shall be made out under oath and filed with the Commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the Commission. Such periodical or special reports

as may be required by the Commission under paragraph (1) hereof, shall also be under oath whenever the Commission so requires.

"(3) The Commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this part, prescribe a uniform system of accounts applicable to any class of carriers subject thereto, and a period of time within which such class shall have such uniform system of accounts, and the manner in which such accounts shall be kept.

Uniform system of accounts.

"(4) The Commission shall, as soon as practicable, prescribe for carriers the classes of property for which depreciation charges may properly be included under operating expenses, and the rate or rates of depreciation which shall be charged with respect to each of such classes of property, classifying the carriers as it may deem proper for this purpose. The Commission may, when it deems necessary, modify the classes and rates so prescribed. When the Commission shall have exercised its authority under the foregoing provisions of this paragraph, carriers shall not charge to operating expenses any depreciation charges on classes of property other than those prescribed by the Commission, or charge with respect to any class of property a rate of depreciation other than that prescribed therefor by the Commission, and no such carrier shall include under operating expenses any depreciation charge in any form whatsoever other than as prescribed by the Commission.

Depreciation charges; rates.

Modifications.

"(5) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers and their lessors, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys, and it shall be unlawful for such carriers or lessors to keep any accounts, records, and memoranda contrary to any rules, regulations, or orders of the Commission with respect thereto. The Commission or any duly authorized special agent, accountant, or examiner thereof shall at all times have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents, of such carriers and lessors, and such accounts, books, records, memoranda, correspondence, and other documents, of any person controlling, controlled by, or under common control with any such carrier, as the Commission deems relevant to such person's relation to or transactions with such carrier. The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to all lands, buildings, or equipment of such carriers or lessors, and shall have authority under its order to inspect and examine any and all such lands, buildings, and equipment. Such carriers, lessors, and other persons shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and copying authorized by this paragraph, and such carriers and lessors shall submit their lands, buildings, and equipment to inspection and examination, to any duly authorized special agent, accountant, or examiner of the Commission, upon demand and the display of proper credentials.

Forms of accounts, records, and memoranda.

Inspection and examination of accounts, lands, equipment, etc.

"(6) The Commission or any duly authorized special agent, accountant, or examiner thereof shall at all times have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents, of persons which furnish cars or protective service against heat or cold to or on behalf of any carrier by railroad or express company subject to this part: *Provided, however,* That such authority shall be limited to accounts, books, records, memoranda, correspondence, or other documents which pertain or relate to the cars or protective service so furnished. The Commission shall further have authority, in its discretion, to prescribe the forms of any or all accounts, records, and memoranda which it is authorized by this

Inspection of accounts on heat and cold service.

Proviso.
Authority limited.

Forms.

Submission of accounts or other documents.

Failure to keep or submit proper accounts, etc.

Penalty.

False entries, destruction of records, etc.

Penalty.

Proviso.
Preservation of records; destruction.

Failure to report on cars or protective service.

Penalty.

Failure to permit examination of equipment.

Penalty.

paragraph to inspect and copy, and to require the persons furnishing such cars or protective service, as aforesaid, to submit such reports and specific and full, true, and correct answers to such questions, relative to such cars or service, as the Commission may deem necessary. Persons furnishing such cars or protective service shall submit their accounts, books, records, memoranda, correspondence, or other documents, to the extent above provided, for inspection or copying to any duly authorized special agent, accountant, or examiner of the Commission upon demand and the display of proper credentials.

“(7) (a) In case of failure or refusal on the part of any carrier, lessor, or other person to keep any accounts, records, and memoranda in the form and manner prescribed, under authority of this section, by the Commission, or to submit any accounts, books, records, memoranda, correspondence, or other documents to the Commission or any of its authorized agents, accountants, or examiners for inspection or copying, as required under this section, such carrier, lessor, or person shall forfeit to the United States not to exceed \$500 for each such offense and for each day during which such failure or refusal continues.

“(b) Any person who shall knowingly and willfully make, cause to be made, or participate in the making of, any false entry in any annual or other report required under this section to be filed, or in the accounts of any book of accounts or in any records or memoranda kept by a carrier, or required under this section to be kept by a lessor or other person, or who shall knowingly and willfully destroy, mutilate, alter, or by any other means or device falsify the record of any such accounts, records, or memoranda, or who shall knowingly and willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, lessor, or person, or shall knowingly and willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Commission with respect thereto, or shall knowingly or willfully file with the Commission any false report or other document, shall be deemed guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction to a fine of not more than five thousand dollars or imprisonment for not more than two years, or both such fine and imprisonment: *Provided*, That the Commission may in its discretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents of such carriers, lessors, or other persons as may, after a reasonable time, be destroyed, and prescribing the length of time the same shall be preserved.

“(c) Any carrier or lessor, or person furnishing cars or protective service, or any officer, agent, employee, or representative thereof, who shall fail to make and file an annual or other report with the Commission within the time fixed by the Commission, or to make specific and full, true, and correct answer to any question within thirty days from the time it is lawfully required by the Commission so to do, shall forfeit to the United States the sum of one hundred dollars for each and every day it shall continue to be in default with respect thereto.

“(d) In case of failure or refusal on the part of any carrier or lessor to accord to the Commission or its duly authorized special agents, accountants, or examiners, access to, and opportunity for the inspection and examination of, any lands, buildings, or equipment of said carrier or lessor, as provided in this section, such carrier or lessor shall forfeit to the United States the sum of one hundred dollars for each day during which such failure or refusal continues.

"(e) All forfeitures authorized in this paragraph (7) shall be recovered in the manner provided for the recovery of forfeitures under the provisions of this part.

Recovery of forfeitures.

"(f) Any special agent, accountant, or examiner who knowingly and willfully divulges any fact or information which may come to his knowledge during the course of any examination or inspection made under authority of this section, except insofar as he may be directed by the Commission or by a court or judge thereof, shall be guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not more than \$500 or imprisonment for not exceeding six months, or both.

Examiner, etc., divulging information.

Penalty.

"(8) As used in this section the words 'keep' and 'kept' shall be construed to mean made, prepared, or compiled, as well as retained; the term 'carrier' means a common carrier subject to this part, and includes a receiver or trustee of such carrier; and the term 'lessor' means a person owning a railroad, a water line, or a pipe line, leased to and operated by a common carrier subject to this part, and includes a receiver or trustee of such lessor."

"Keep" and "kept."

"Carrier."

"Lessor."

(b) Paragraph (11) of such section 20 (which relates to liability of carriers for loss of property), is amended by striking out the first proviso contained therein and inserting in lieu thereof the following: "Provided, That if the loss, damage, or injury occurs while the property is in the custody of a carrier by water the liability of such carrier shall be determined by the bill of lading of the carrier by water and by and under the laws and regulations applicable to transportation by water, and the liability of the initial or delivering carrier shall be the same as that of such carrier by water:"

41 Stat. 494.
49 U. S. C. § 20 (11).

Responsibility for losses.

AMENDMENTS TO SECTIONS 25, 26, AND 27

SEC. 14. (a) Section 25 of the Interstate Commerce Act, as amended, is hereby repealed.

41 Stat. 497.
49 U. S. C. § 25;
Supp. V, § 25.

(b) Section 26 of the Interstate Commerce Act, as amended, is amended by striking out "26" and inserting in lieu thereof "25".

41 Stat. 498.
49 U. S. C. § 26;
Supp. V, § 26.

(c) Section 27 of the Interstate Commerce Act, as amended, is amended to read as follows:

41 Stat. 499.
49 U. S. C. § 27.

"SEC. 26. This part may be cited as part I of the Interstate Commerce Act."

Part I of the Interstate Commerce Act.

SHORT TITLE FOR PART II

SEC. 15. Section 201 of the Interstate Commerce Act, as amended, is amended to read as follows:

49 Stat. 543.
49 U. S. C., Supp. V, § 301.

"SHORT TITLE

"SEC. 201. This part may be cited as part II of the Interstate Commerce Act."

Part II of the Interstate Commerce Act.

REFERENCES TO POLICY DECLARED IN PART II

SEC. 16. Part II of the Interstate Commerce Act, as amended, is amended by striking out the following wherever appearing therein: "the policy declared in section 202 (a) of this part", and "the policy of Congress enunciated in section 202", and by inserting in lieu thereof the following: "the national transportation policy declared in this Act".

49 Stat. 543.
49 U. S. C., Supp. V, ch. 8.

Post, p. 920.

AMENDMENTS TO SECTION 202

49 Stat. 543.
49 U. S. C., Supp. V,
§ 302.

Amendments.

SEC. 17. (a) Section 202 of the Interstate Commerce Act, as amended (which relates to the scope of the application of part II), is amended—

(1) by striking out the heading thereof, "DECLARATION OF POLICY AND DELEGATION OF JURISDICTION", and inserting in lieu thereof a new heading as follows: "APPLICATION OF PROVISIONS"; and

(2) by repealing subsection (a) of such section, by striking out "(b)" and inserting in lieu thereof "(a)", and by striking out "(c)" and inserting in lieu thereof "(b)".

(b) Such section 202 is amended by adding at the end thereof a new subsection as follows:

Inapplicable provisions.

"(c) Notwithstanding any provision of this section or of section 203, the provisions of this part shall not apply—

Ante, p. 899; *post*, p. 929.

"(1) to transportation by motor vehicle by a carrier by railroad subject to part I or by a water carrier subject to part III, incidental to transportation subject to such parts, in the performance within terminal areas of transfer, collection, or delivery services; but such transportation shall be considered to be and shall be regulated as transportation subject to part I when performed by such carrier by railroad, and transportation subject to part III when performed by such water carrier.

"(2) to transportation by motor vehicle by any person (whether as agent or under a contractual arrangement) for a common carrier by railroad subject to part I, an express company subject to part I, a motor carrier subject to this part, or a water carrier subject to part III, in the performance within terminal areas of transfer, collection, or delivery services; but such transportation shall be considered to be performed by such carrier or express company as part of, and shall be regulated in the same manner as, the transportation by railroad, express, motor vehicle, or water to which such services are incidental."

AMENDMENTS TO SECTION 203

49 Stat. 544.
49 U. S. C., Supp. V,
§ 303 (a) (14), (15).
Definitions.

"Common carrier by motor vehicle."

SEC. 18. (a) Paragraphs (14) and (15) of subsection (a) of section 203 of the Interstate Commerce Act, as amended, are amended to read as follows:

"(14) The term 'common carrier by motor vehicle' means any person which holds itself out to the general public to engage in the transportation by motor vehicle in interstate or foreign commerce of passengers or property or any class or classes thereof for compensation, whether over regular or irregular routes, except transportation by motor vehicle by an express company to the extent that such transportation has heretofore been subject to part I, to which extent such transportation shall continue to be considered to be and shall be regulated as transportation subject to part I.

Ante, p. 899.

"Contract carrier by motor vehicle."

"(15) The term 'contract carrier by motor vehicle' means any person which, under individual contracts or agreements, engages in the transportation (other than transportation referred to in paragraph (14) and the exception therein) by motor vehicle of passengers or property in interstate or foreign commerce for compensation."

(b) Section 203 of the Interstate Commerce Act, as amended, is further amended—

49 Stat. 544.
49 U. S. C., Supp. V,
§ 303 (a) (13).

(1) by striking out the period at the end of paragraph 13 of subsection (a) and substituting in lieu thereof a comma and the following: "or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service."

(2) by striking out clause (5) of subsection (b) of said section.

(3) by amending clause (4a) of such subsection (b) to read as follows: "(4a) motor vehicles controlled and operated by any farmer when used in the transportation of his agricultural commodities and products thereof, or in the transportation of supplies to his farm; or".

(4) by amending clause (4b) of such subsection (b) to read as follows: "(5) motor vehicles controlled and operated by a cooperative association as defined in the Agricultural Marketing Act, approved June 15, 1929, as amended, or by a federation of such cooperative associations, if such federation possesses no greater powers or purposes than cooperative associations so defined; or".

(5) by inserting in clause (6) of such subsection (b) the word "ordinary" before the word "livestock".

(6) by amending clause (9) of subsection (b) to read as follows:

"(9) the casual, occasional, or reciprocal transportation of passengers or property by motor vehicle in interstate or foreign commerce for compensation by any person not engaged in transportation by motor vehicle as a regular occupation or business, unless, in the case of transportation of passengers, such transportation is sold or offered for sale, or provided or procured or furnished or arranged for, by a broker, or by any other person who sells or offers for sale transportation furnished by a person lawfully engaged in the transportation of passengers by motor vehicle under a certificate or permit issued under this part or under a pending application for such a certificate or permit."

49 U. S. C., Supp. V,
§ 303 (b) (5).
49 U. S. C., Supp. V,
§ 303 (b) (4a).

49 U. S. C., Supp. V,
§ 303 (b) (4b).

46 Stat. 18.
12 U. S. C. § 1141j.

49 U. S. C., Supp. V,
§ 303 (b) (6).

49 U. S. C., Supp. V,
§ 303 (b) (9).

EXEMPTION OF CERTAIN INTERSTATE AND FOREIGN COMMERCE OPERATIONS OF MOTOR CARRIERS

SEC. 19. Subsection (a) of section 204 of the Interstate Commerce Act, as amended, is amended by adding after subparagraph (4) thereof the following new subparagraph:

"(4a) To determine, upon its own motion, or upon application by a motor carrier, a State board, or any other party in interest, whether the transportation in interstate or foreign commerce performed by any motor carrier or class of motor carriers lawfully engaged in operation solely within a single State is in fact of such nature, character, or quantity as not substantially to affect or impair uniform regulation by the Commission of transportation by motor carriers engaged in interstate or foreign commerce in effectuating the national transportation policy declared in this Act. Upon so finding, the Commission shall issue a certificate of exemption to such motor carrier or class of motor carriers which, during the period such certificate shall remain effective and unrevoked, shall exempt such carrier or class of motor carriers from compliance with the provisions of this part, and shall attach to such certificate such reasonable terms and conditions as the public interest may require. At any time after the issuance of any such certificate of exemption, the Commission may by order revoke all or any part thereof, if it shall find that the transportation in interstate or foreign commerce performed by the carrier or class of carriers designated in such certificate shall be, or shall have become, or is reasonably likely to become, of such nature, character, or quantity as in fact substantially to affect or impair uniform regulation by the Commission of interstate or foreign transportation by motor carriers in effectuating the national transportation policy declared in this Act. Upon revocation of any such certificate, the Commission shall restore to the carrier or carriers affected thereby, without further proceedings, the authority, if any, to operate in interstate or foreign commerce held by such carrier or carriers at

49 Stat. 546.
49 U. S. C., Supp. V,
§ 304 (a).

Certain operations
solely within a single
State.

Certificate of exemp-
tion.

Revocation provi-
sion.

Restoration of au-
thority to operate in
interstate, etc., com-
merce.

Hearings.

Application accom-
panied by certificate
of State board, etc.,
effect.

Exempted motor
carriers.
Effect of State regu-
lation.

Applications here-
under.

the time the certificate of exemption pertaining to such carrier or carriers became effective. No certificate of exemption shall be denied, and no order of revocation shall be issued, under this subparagraph, except after reasonable opportunity for hearing to interested parties. Where an application is made in good faith for the exemption of a motor carrier under this subparagraph, accompanied by a certificate of a State board of the State in which the operations of such carrier are carried on stating that in the opinion of such board such carrier is entitled to a certificate of exemption under this subparagraph, such carrier shall be exempt from the provisions of this part beginning with the sixtieth day following the making of such application to the Commission unless prior to such time the Commission shall have by order denied such application, and such exemption shall be effective until such time as the Commission, after such sixtieth day, may by order deny such application or may by order revoke all or any part thereof as hereinbefore authorized. In any case where a motor carrier has become exempt from the provisions of this part as provided in this subparagraph, it shall not be considered to be a burden on interstate or foreign commerce for a State to regulate such carrier with respect to the operations covered by such exemption. Applications under this subparagraph shall be made in writing to the Commission, verified under oath, and shall be in such form and contain such information as the Commission shall by regulations require."

AMENDMENTS TO SECTIONS 204, 205, AND 206

49 Stat. 547.
49 U. S. C., Supp. V,
§ 304 (a) (7).
Inquiry into busi-
ness management.

SEC. 20. (a) Paragraph (7) of subsection (a) of section 204 of the Interstate Commerce Act, as amended, is amended to read as follows:

"(7) For purposes of the administration of the provisions of this part, to inquire into the management of the business of motor carriers and brokers, and into the management of the business of persons controlling, controlled by, or under common control with, motor carriers to the extent that the business of such persons is related to the management of the business of one or more motor carriers, and the Commission shall keep itself informed as to the manner and method in which the same are conducted, and may obtain from such carriers and persons such information as the Commission deems necessary to carry out the provisions of this part; and may transmit to Congress from time to time, such recommendations (including recommendations as to additional legislation) as the Commission may deem necessary."

Codes of fair compe-
tition.
49 Stat. 547.
49 U. S. C., Supp. V,
§ 304 (b).
Rehearing.

Relettering of sub-
sections.

Textual changes.

(b) Such section 204 is further amended—

(1) by repealing subsection (b) thereof (which relates to codes of fair competition under the National Industrial Recovery Act);

(2) by repealing subsection (e) thereof (which relates to rehearing by the Commission on matters arising under part II);

(3) by relettering subsections (c), (d), and (f) as (b), (c), and (d), respectively; and

(4) by striking out in subsection (a) (3) thereof "204 (d) and (e)" and inserting in lieu thereof "204 (c)".

(c) Section 205 of such Act, as amended, is amended—

(1) by repealing subsection (a) thereof (which relates to procedure in connection with recommended orders under part II);

(2) by striking out in the remaining subsections thereof the letters "(b)", "(c)", "(d)", "(e)", "(f)", "(g)", "(h)", "(i)", "(j)", and "(k)", and inserting in lieu thereof "(a)", "(b)", "(c)", "(d)", "(e)", "(f)", "(g)", "(h)", "(i)", and "(j)", respectively;

49 Stat. 548.
49 U. S. C., Supp. V,
§ 305.

(3) by striking out in the new subsection (a) thereof the words "paragraph (a) of this section" in the first proviso and substituting in lieu thereof the following: "section 17";

Ante, p. 922.

(4) by striking out in the new subsection (a) thereof the words "this section" in the third proviso, and substituting in lieu thereof the following: "section 17";

(5) by striking out in the new subsection (b) thereof the words "paragraph (a) of this section" in the second sentence and substituting in lieu thereof the following: "section 17".

Ante, p. 922.

(d) The new subsection (b) of such section 205 (which relates to the creation, procedure, and powers of joint boards), is amended by inserting after the eighth sentence thereof a new sentence as follows: "The failure of a duly appointed member of a joint board to participate in any hearing on a matter referred to such joint board, after notice thereof, shall be considered to constitute, as to the matter referred, a waiver of action on the part of the State from which such member was appointed."

Joint boards.

(e) Subsection (a) of section 206 of such Act, as amended (which relates to the issuance of certificates to common carriers by motor vehicle), is amended by inserting after the words "during the season ordinarily covered by its operation", which appear in the first sentence of such subsection, the following: "and has so operated since that time".

Issuance of certificates to common carriers by motor vehicle.
49 Stat. 551.
49 U. S. C., Supp. V, § 306 (a).

AMENDMENTS TO SECTIONS 210, 210A, AND 212; REPEAL OF SECTION 213

SEC. 21. (a) Section 210 of the Interstate Commerce Act, as amended, is amended to read as follows:

49 Stat. 554.
49 U. S. C., Supp. V, § 310.

"DUAL OPERATIONS"

"SEC. 210. Unless, for good cause shown, the Commission shall find, or shall have found, that both a certificate and a permit may be so held consistently with the public interest and with the national transportation policy declared in this Act—

Operations under certificate and permit.

"(1) no person, or any person controlling, controlled by, or under common control with such person, shall hold a certificate as a common carrier authorizing operation for the transportation of property by motor vehicle over a route or within a territory, if such person, or any such controlling person, controlled person, or person under common control, holds a permit as a contract carrier authorizing operation for the transportation of property by motor vehicle over the same route or within the same territory; and

"(2) no person, or any person controlling, controlled by, or under common control with such person, shall hold a permit as a contract carrier authorizing operation for the transportation of property by motor vehicle over a route or within a territory, if such person, or any such controlling person, controlled person, or person under common control, holds a certificate as a common carrier authorizing operation for the transportation of property by motor vehicle over the same route or within the same territory."

(b) Subsection (b) of section 210a of such Act, as amended (which relates to temporary operation of motor carrier properties pending action on application for consolidation, merger, and so forth), is amended by striking out "as contemplated in section 213 (a) of this part,".

Temporary operation authority.

52 Stat. 1238.
49 U. S. C., Supp. V, § 310 (a).

Textual changes.
49 Stat. 555.
49 U. S. C., Supp. V,
§ 312.

49 Stat. 555.
49 U. S. C., Supp. V,
§ 312 (b).

Repeal.
49 Stat. 555.
49 U. S. C., Supp. V,
§ 313.

(c) Subsection (a) of section 212 of such Act, as amended (which relates to suspension, change, revocation, and transfer of certificates, permits, and licenses), is amended by striking out in the first proviso "section 204 (d)" and inserting in lieu thereof "section 204 (c)".

(d) Subsection (b) of section 212 of such Act, as amended, is amended by striking out "section 213" and inserting in lieu thereof "section 5".

(e) Section 213 of such Act, as amended (which relates to consolidations, mergers, and acquisitions of control in case of motor carriers), is hereby repealed.

AMENDMENTS TO SECTIONS 214, 216, AND 217

Issuance of securities.

49 Stat. 557.
49 U. S. C., Supp. V,
§ 314.

Discriminations.
49 Stat. 558.
49 U. S. C., Supp. V,
§ 316 (d).

Proviso.
Construction of subsection, restriction.

Investigation of new rates: suspension.
49 Stat. 559.
49 U. S. C., Supp. V,
§ 316 (g).

52 Stat. 1240.
49 U. S. C., Supp. V,
§ 316 (g).

49 Stat. 560.
49 U. S. C., Supp. V,
§ 316 (i).
Rate-making policy.

SEC. 22. (a) Section 214 of the Interstate Commerce Act, as amended, is amended by striking out "entered under section 213 (a) (1)" and inserting in lieu thereof "of the Commission".

(b) Subsection (d) of section 216 of such Act, as amended (which prohibits the giving of undue preferences or advantages by common carriers by motor vehicle), is amended to read as follows:

"(d) All charges made for any service rendered or to be rendered by any common carrier by motor vehicle engaged in interstate or foreign commerce in the transportation of passengers or property as aforesaid or in connection therewith shall be just and reasonable, and every unjust and unreasonable charge for such service or any part thereof, is prohibited and declared to be unlawful. It shall be unlawful for any common carrier by motor vehicle engaged in interstate or foreign commerce to make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, gateway, locality, region, district, territory, or description of traffic, in any respect whatsoever; or to subject any particular person, port, gateway, locality, region, district, territory, or description of traffic to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever: *Provided, however,* That this subsection shall not be construed to apply to discriminations, prejudice, or disadvantage to the traffic of any other carrier of whatever description."

(c) Subsection (g) of such section 216 (which relates to investigations by the Commission as to lawfulness of proposed new rates involving common carriers by motor vehicle, and the suspension of such rates), is amended—

(1) by inserting before the words "suspend the operation of such schedule", in the first sentence thereof, the words "from time to time".

(2) by striking out in the first sentence thereof the words "for a period of ninety days and if the proceeding has not been concluded and a final order made within such period the Commission may, from time to time, extend the period of suspension by order, but not for a longer period in the aggregate than one hundred and eighty days" and substituting in lieu thereof the words "but not for a longer period than seven months".

(3) by amending the second sentence in the proviso therein to read as follows: "At any hearing involving a change in a rate, fare, charge, or classification, or in a rule, regulation, or practice, the burden of proof shall be upon the carrier to show that the proposed changed rate, fare, charge, classification, rule, regulation, or practice is just and reasonable."

(d) Subsection (i) of such section 216 (which contains the rule of rate making for part II), is amended to read as follows:

"(i) In the exercise of its power to prescribe just and reasonable rates, fares, and charges for the transportation of passengers or property by common carriers by motor vehicle, and classifications,

regulations, and practices relating thereto, the Commission shall give due consideration, among other factors, to the inherent advantages of transportation by such carriers; to the effect of rates upon the movement of traffic by the carrier or carriers for which the rates are prescribed; to the need, in the public interest, of adequate and efficient transportation service by such carriers at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable such carriers, under honest, economical, and efficient management, to provide such service."

(e) The proviso in subsection (b) of section 217 of the Interstate Commerce Act, as amended, is amended by striking out "22 (1)" and inserting in lieu thereof "22".

49 Stat. 561.
49 U. S. C., Supp.V,
§ 317 (b).

AMENDMENTS TO SECTION 218

SEC. 23. (a) Subsection (a) of section 218 of the Interstate Commerce Act, as amended, is amended—

49 Stat. 561.
49 U. S. C., Supp.V,
§ 318 (a).
Schedules and con-
tracts.

(1) by striking out the first sentence thereof (which relates to the duty of contract carriers by motor vehicle to file schedules and contracts including minimum rates, etc.) and substituting in lieu thereof two new sentences as follows: "It shall be the duty of every contract carrier by motor vehicle to establish and observe reasonable minimum rates and charges for any service rendered or to be rendered in the transportation of passengers or property or in connection therewith, and to establish and observe reasonable regulations and practices to be applied in connection with said reasonable minimum rates, fares, and charges. It shall be the duty of every contract carrier by motor vehicle to file with the Commission, publish, and keep open for public inspection, in the form and manner prescribed by the Commission, schedules containing the minimum rates or charges of such carrier actually maintained and charged for the transportation of passengers or property in interstate or foreign commerce, and any rule, regulation, or practice affecting such rates or charges and the value of the service thereunder."

(2) by striking out, in the third sentence thereof, the words "or copies of contracts".

(b) Subsection (b) of such section 218 (which relates to the Commission's authority to prescribe minimum charges of contract carriers by motor vehicle), is amended to read as follows:

49 Stat. 562.
49 U. S. C., Supp.V,
§ 318 (b).

"(b) Whenever, after hearing, upon complaint or upon its own initiative, the Commission finds that any minimum rate or charge of any contract carrier by motor vehicle, or any rule, regulation, or practice of any such carrier affecting such minimum rate or charge, or the value of the service thereunder, for the transportation of passengers or property or in connection therewith, contravenes the national transportation policy declared in this Act, or is in contravention of any provision of this part, the Commission may prescribe such just and reasonable minimum rate or charge, or such rule, regulation, or practice as in its judgment may be necessary or desirable in the public interest and to promote such policy and will not be in contravention of any provision of this part. Such minimum rate or charge, or such rule, regulation, or practice, so prescribed by the Commission, shall give no advantage or preference to any such carrier in competition with any common carrier by motor vehicle subject to this part, which the Commission may find to be undue or inconsistent with the public interest and the national transportation policy declared in this Act, and the Commission shall give due consideration to the cost of the services rendered by such carriers, and to the effect of such minimum rate or charge, or such rule, regulation, or practice, upon the movement of traffic by such carriers. All com-

Revision of mini-
mum rates.

Undue preference.

Complaints.

plaints shall state fully the facts complained of and the reasons for such complaint and shall be made under oath."

49 Stat. 562.
49 U. S. C., Supp. V,
§ 318 (c).

(c) Subsection (c) of such section 218 (which relates to inquiries as to the lawfulness of reductions in charges of contract carriers by motor vehicle, and suspension of such charges) is amended to read as follows:

Modifications of
schedules.

"(c) Whenever there shall be filed with the Commission by any such contract carrier any schedule stating a charge for a new service or a reduced charge directly, or by means of any rule, regulation, or practice, for the transportation of passengers or property in interstate or foreign commerce, the Commission is hereby authorized and empowered upon complaint of interested parties or upon its own initiative at once and, if it so orders, without answer or other formal pleading by the interested party, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such charge, or such rule, regulation, or practice, and pending such hearing and the decision thereon the Commission, by filing with such schedule and delivering to the carrier affected thereby a statement in writing of its reasons for such suspension, may from time to time suspend the operation of such schedule and defer the use of such charge, or such rule, regulation, or practice, but not for a longer period than seven months beyond the time when it would otherwise go into effect; and after hearing, whether completed before or after the charge, or rule, regulation, or practice goes into effect, the Commission may make such order with reference thereto as would be proper in a proceeding instituted after it had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change in any charge or rule, regulation, or practice shall go into effect at the end of such period: *Provided*, That this paragraph shall not apply to any initial schedule or schedules filed on or before July 31, 1938, by any such carrier in bona fide operation when this section takes effect. The rule as to burden of proof specified in section 216 (g) shall apply to this paragraph."

Hearing.

Temporary suspen-
sion.

Proviso.
Exception.

49 Stat. 559.
49 U. S. C., Supp. V,
§ 316 (g).
Ante, p. 924.

ACCOUNTS, RECORDS, AND REPORTS OF MOTOR CARRIERS

SEC. 24. Section 220 of the Interstate Commerce Act, as amended, is amended to read as follows:

"SEC. 220. (a) The Commission is hereby authorized to require annual, periodical, or special reports from all motor carriers, brokers, and lessors (as defined in this section), to prescribe the manner and form in which such reports shall be made, and to require from such carriers, brokers, and lessors specific and full, true, and correct answers to all questions upon which the Commission may deem information to be necessary. Such annual reports shall give an account of the affairs of the carrier, broker, or lessor in such form and detail as may be prescribed by the Commission. The Commission may also require any motor carrier or broker to file with it a true copy of any contract, agreement, or arrangement between such carrier and any other carrier or person in relation to any traffic affected by the provisions of this part. The Commission shall not, however, make public any contract, agreement, or arrangement between a contract carrier by motor vehicle and a shipper, or any of the terms or conditions thereof, except as a part of the record in a formal proceeding where it considers such action consistent with the public interest: *Provided*, That if it appears from an examination of any such contract that it fails to conform to the published schedule of the contract carrier by motor vehicle as required by section 218 (a), the Commission may, in its discretion, make public such of the provisions of the contract as the Commission considers necessary to disclose such failure and the extent thereof.

Filing of contracts,
etc.

Confidential treat-
ment accorded.

Proviso.
Failure to conform
to published schedule.
Ante, p. 925.

49 Stat. 563.
49 U. S. C., Supp. V,
§ 320.
Authority of Com-
mission.

"(b) Said annual reports shall contain all the required information for the period of twelve months ending on the thirty-first day of December in each year, unless the Commission shall specify a different date, and shall be made out under oath and filed with the Commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the Commission. Such periodical or special reports as may be required by the Commission under subsection (a) hereof shall also be under oath, whenever the Commission so requires.

Annual, etc., reports.

"(c) The Commission may prescribe for motor carriers the classes of property for which depreciation charges may properly be included under operating expenses, and the rate or rates of depreciation which shall be charged with respect to each of such classes of property, classifying the carriers as it may deem proper for this purpose. The Commission may, when it deems necessary, modify the classes and rates so prescribed. When the Commission shall have exercised its authority under the foregoing provisions of this subsection, motor carriers shall not charge to operating expenses any depreciation charges on classes of property other than those prescribed by the Commission, or charge with respect to any class of property a rate of depreciation other than that prescribed therefor by the Commission, and no such carrier shall include under operating expenses any depreciation charge in any form whatsoever other than as prescribed by the Commission.

Depreciation charges; rates.

Modification of classes and rates.

"(d) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by motor carriers, brokers, and lessors, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys; and it shall be unlawful for such carriers, brokers, and lessors to keep any accounts, records, and memoranda contrary to any rules, regulations, or orders of the Commission with respect thereto. The Commission may issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents of motor carriers, brokers, or lessors as may after a reasonable time be destroyed, and prescribing the length of time the same shall be preserved. The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to and authority, under its order, to inspect and examine any and all lands, buildings, or equipment of motor carriers, brokers, and lessors; and shall have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of such carriers, brokers, and lessors, and such accounts, books, records, memoranda, correspondence, and other documents of any person controlling, controlled by, or under common control with any such carrier, as the Commission deems relevant to such person's relation to or transactions with such carrier. Motor carriers, brokers, lessors, and persons shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and copying authorized by this paragraph, and motor carriers, brokers, and lessors shall submit their lands, buildings, and equipment for examination and inspection, to any duly authorized special agent, accountant, or examiner of the Commission upon demand and the display of proper credentials.

Forms of accounts, records, and memoranda.

Inspection and examination of lands, equipment, accounts, etc.

"(e) As used in this section, the words 'keep' and 'kept' shall be construed to mean made, prepared, or compiled, as well as retained; the term 'lessor' means a lessor of any right to operate as a motor carrier; and the term 'motor carrier', 'broker', or 'lessor' includes a receiver or trustee of any such motor carrier, broker, or lessor.

"Keep" and "kept."

"Lessor."
"Motor carrier,"
"broker," or "lessor."

"(f) No report by any motor carrier of any accident arising in the course of the operations of such carrier, made pursuant to any requirement of the Commission, and no report by the Commission of

Accident reports.

any investigation of any such accident, shall be admitted as evidence, or used for any other purpose, in any suit or action for damages growing out of any matter mentioned in such report or investigation."

AMENDMENTS TO SECTIONS 221 AND 222

Service of notice,
etc.
49 Stat. 563.
49 U. S. C., Supp. V,
§ 321 (a).

SEC. 25. (a) Subsection (a) of section 221 of the Interstate Commerce Act, as amended (which relates to the designation of an agent to receive service, and the making of service), is amended by adding at the end thereof a new sentence as follows: "In proceedings before the Commission involving the lawfulness of rates, fares, charges, classifications, or practices, service of notice upon an attorney in fact of a carrier who has filed a tariff or schedule in behalf of such carrier shall be deemed to be due and sufficient service upon the carrier."

Effective date and
duration of orders.
49 Stat. 564.
49 U. S. C., Supp. V,
§ 321 (b).

(b) Subsection (b) of such section 221 (which relates to the time of taking effect of orders of the Commission under part II) is amended by inserting after the words "within such reasonable time" a comma and the following: "not less than thirty days,"

49 Stat. 565.
49 U. S. C., Supp. V,
§ 322 (d).

(c) Subsection (d) of section 222 of such Act, as amended (which imposes penalties for unlawful disclosure of information by a special agent or examiner), is amended to read as follows:

Unlawful disclo-
sures.

"(d) Any special agent, accountant, or examiner who knowingly and willfully divulges any fact or information which may come to his knowledge during the course of any examination or inspection made under authority of section 220, except as he may be directed by the Commission or by a court or judge thereof, shall be guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not more than \$500 or imprisonment for not exceeding six months, or both."

Penalty.

49 Stat. 565.
49 U. S. C., Supp. V,
§ 322 (g).

(d) Subsection (g) of such section 222 (which imposes penalties for failure or refusal to make reports, keep accounts, and so forth) is amended to read as follows:

Failure to make re-
ports, etc.

"(g) Any motor carrier, broker, or other person, or any officer, agent, employee, or representative thereof, who shall willfully fail or refuse to make a report to the Commission as required by this part, or to make specific and full, true, and correct answer to any question within thirty days from the time it is lawfully required by the Commission so to do, or to keep accounts, records, and memoranda in the form and manner prescribed by the Commission, or shall knowingly and willfully falsify, destroy, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and willfully file with the Commission any false report, account, record, or memorandum, or shall knowingly and willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, or person required under this part to keep the same, or shall knowingly and willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Commission with respect thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof be subject for each offense to a fine of not more than \$5,000. As used in this subsection, the words 'keep' and 'kept' shall be construed to mean made, prepared, or compiled, as well as retained."

False reports.

Penalty.

"Keep" and "kept."

NEW SECTION RELATING TO ALLOWANCES TO SHIPPERS

49 Stat. 566.

SEC. 26. (a) Part II of the Interstate Commerce Act, as amended, is amended by adding after section 224 the following new section:

"ALLOWANCES TO SHIPPERS FOR TRANSPORTATION SERVICES

Allowances to ship-
pers.

"SEC. 225. If the owner of property transported under this part directly or indirectly renders any service connected with such trans-

portation, or furnishes any instrumentality used therein, the charge and allowance therefor shall be published in tariffs or schedules filed in the manner provided in this part and shall be no more than is just and reasonable; and the Commission may, after hearing on a complaint or on its own initiative, determine what is a reasonable charge as the maximum to be paid by the carrier or carriers for the services so rendered or for the use of the instrumentality so furnished, and fix the same by appropriate order."

(b) Sections 225, 226, and 227 of such Act, as amended, are amended by renumbering such sections as 226, 227, and 228, respectively, and such section renumbered as 228 is further amended by striking out "(a)".

Renumbering, etc., of sections.
49 Stat. 566.
49 U. S. C., Supp. V, §§ 325-327.

INVESTIGATION OF NEED FOR REGULATING SIZES AND WEIGHT OF MOTOR VEHICLES

SEC. 27. The Interstate Commerce Commission is authorized and directed to expedite the investigation of the need for Federal regulation of the sizes and weight of motor vehicles, authorized by section 226 of the Interstate Commerce Act, as amended, and to report to Congress thereon at the earliest practicable date.

Regulation of sizes and weight of motor vehicles.
49 Stat. 566.
49 U. S. C., Supp. V, § 325.

TITLE II—REGULATION OF WATER CARRIERS IN INTERSTATE AND FOREIGN COMMERCE

PART III OF INTERSTATE COMMERCE ACT

SEC. 201. The Interstate Commerce Act, as amended, is further amended by adding after part II thereof the following part III:

"PART III

"SHORT TITLE

"SEC. 301. This part, divided into sections according to the following table of contents, may be cited as part III of the Interstate Commerce Act:

Part III of the Interstate Commerce Act.

"TABLE OF CONTENTS

- Sec. 301. Short title.
- Sec. 302. Definitions.
- Sec. 303. Application of provisions; exemptions.
- Sec. 304. General powers and duties of the Commission.
- Sec. 305. Rates, fares, charges, and practices; through routes.
- Sec. 306. Tariffs and schedules.
- Sec. 307. Commission's authority over rates, and so forth.
- Sec. 308. Reparation awards; limitation of actions.
- Sec. 309. Certificates of public convenience and necessity and permits.
- Sec. 310. Dual operations under certificates and permits.
- Sec. 311. Temporary operations.
- Sec. 312. Transfer of certificates and permits.
- Sec. 313. Accounts, records, and reports.
- Sec. 314. Allowances to shippers for transportation services.
- Sec. 315. Notices, orders, and service of process.
- Sec. 316. Enforcement and procedure.
- Sec. 317. Unlawful acts and penalties.
- Sec. 318. Collection of rates and charges.
- Sec. 319. Employees.
- Sec. 320. Repeals.
- Sec. 321. Transfer of employees, records, property, and appropriations.
- Sec. 322. Existing orders, rules, tariffs, and so forth; pending matters.
- Sec. 323. Separability of provisions.

"DEFINITIONS

"SEC. 302. For the purposes of this part—

"(a) The term 'person' includes any individual, firm, copartnership, corporation, company, association, joint stock association, and any trustee, receiver, assignee, or personal representative thereof.

"Person."

"Commission."	"(b) The term 'Commission' means the Interstate Commerce Commission.
"Water carrier."	"(c) The term 'water carrier' means a common carrier by water or a contract carrier by water.
"Common carrier by water."	"(d) The term 'common carrier by water' means any person which holds itself out to the general public to engage in the transportation by water in interstate or foreign commerce of passengers or property or any class or classes thereof for compensation, except transportation by water by an express company subject to part I in the conduct of its express business, which shall be considered to be and shall be regulated as transportation subject to part I.
Exception. <i>Ante</i> , p. 899.	
"Contract carrier by water."	"(e) The term 'contract carrier by water' means any person which, under individual contracts or agreements, engages in the transportation (other than transportation referred to in paragraph (d) and the exception therein) by water of passengers or property in interstate or foreign commerce for compensation.
Chartered, etc., vessels.	The furnishing for compensation (under a charter, lease, or other agreement) of a vessel, to a person other than a carrier subject to this Act, to be used by the person to whom such vessel is furnished in the transportation of its own property, shall be considered to constitute, as to the vessel so furnished, engaging in transportation for compensation by the person furnishing such vessel, within the meaning of the foregoing definition of 'contract carrier by water'. Whenever the Commission, upon its own motion or upon application of any interested party, determines that the application of the preceding sentence to any person or class of persons is not necessary in order to effectuate the national transportation policy declared in this Act, it shall by order exempt such person or class of persons from the provisions of this part for such period of time as may be specified in such order. The Commission may by order revoke any such exemption whenever it shall find that the application of such sentence to the exempted person or class of persons is necessary in order to effectuate such national transportation policy. No such exemption shall be denied or revoked except after reasonable opportunity for hearing.
Exemption.	
"Vessel" defined.	"(f) The term 'vessel' means any watercraft or other artificial contrivance of whatever description which is used, or is capable of being, or is intended to be, used as a means of transportation by water.
"Transportation facility."	"(g) The term 'transportation facility' includes any vessel, warehouse, wharf, pier, dock, yard, grounds, or any other instrumentality or equipment of any kind, used in or in connection with transportation by water subject to this part.
"Transportation."	"(h) The term 'transportation' includes the use of any transportation facility (irrespective of ownership or of any contract, express or implied, for such use), and includes any and all services in or in connection with transportation, including the receipt, delivery, elevation, transfer in transit, refrigeration or icing, ventilation, storage, and handling of property transported or the interchange thereof with any other agency of transportation.
"Interstate or foreign transportation" or "transportation in interstate or foreign commerce."	"(i) The term 'interstate or foreign transportation' or 'transportation in interstate or foreign commerce', as used in this part, means transportation of persons or property— "(1) wholly by water from a place in a State to a place in any other State, whether or not such transportation takes place wholly in the United States; "(2) partly by water and partly by railroad or motor vehicle, from a place in a State to a place in any other State; except that with respect to such transportation taking place partly in the United States and partly outside thereof, such terms shall include transportation by railroad or motor vehicle only insofar

as it takes place within the United States, and shall include transportation by water only insofar as it takes place from a place in the United States to another place in the United States;

"(3) wholly by water, or partly by water and partly by railroad or motor vehicle, from or to a place in the United States to or from a place outside the United States, but only (A) insofar as such transportation by rail or by motor vehicle takes place within the United States, and (B) in the case of a movement to a place outside the United States, only insofar as such transportation by water takes place from any place in the United States to any other place therein prior to transshipment at a place within the United States for movement to a place outside thereof, and, in the case of a movement from a place outside the United States, only insofar as such transportation by water takes place from any place in the United States to any other place therein after transshipment at a place within the United States in a movement from a place outside thereof.

"(j) The term 'United States' means the States of the United States and the District of Columbia.

"(k) The term 'State' means a State of the United States or the District of Columbia.

"(l) The term 'common carrier by railroad' means a common carrier by railroad subject to the provisions of part I.

"(m) The term 'common carrier by motor vehicle' means a common carrier by motor vehicle subject to the provisions of part II.

"United States."

"State."

"Common carrier by railroad."
Ante, p. 899.

"Common carrier by motor vehicle."
Ante, p. 919.

"APPLICATION OF PROVISIONS; EXEMPTIONS

"SEC. 303. (a) In the case of transportation which is subject both to this part and part I, the provisions of part I shall apply only to the extent that part I imposes, with respect to such transportation, requirements not imposed by the provisions of this part.

"(b) Nothing in this part shall apply to the transportation by a water carrier of commodities in bulk when the cargo space of the vessel in which such commodities are transported is being used for the carrying of not more than three such commodities. This subsection shall apply only in the case of commodities in bulk which are (in accordance with the existing custom of the trade in the handling and transportation of such commodities as of June 1, 1939) loaded and carried without wrappers or containers and received and delivered by the carrier without transportation mark or count. For the purposes of this subsection two or more vessels while navigated as a unit shall be considered to be a single vessel. This subsection shall not apply to transportation subject, at the time this part takes effect, to the provisions of the Intercoastal Shipping Act, 1933, as amended.

"(c) Nothing in this part shall apply to transportation by a contract carrier by water of commodities in bulk in a non-ocean-going vessel on a normal voyage during which (1) the cargo space of such vessel is used for the carrying of not more than three such commodities, and (2) such vessel passes within or through waters which are made international for navigation purposes by any treaty to which the United States is a party.

"(d) Nothing in this part shall apply to the transportation by water of liquid cargoes in bulk in tank vessels designed for use exclusively in such service and certified under regulations approved by the Secretary of Commerce pursuant to the provisions of section 4417a of the Revised Statutes (U. S. C., 1934 edition, Supp. IV, title 46, sec. 391a).

Application of provisions.
Ante, p. 899.

Commodities in bulk.

Vessels while navigated as a unit.
47 Stat. 1425.
46 U. S. C. §§ 843-848; Supp. V, §§ 844-848.

Non-ocean-going vessel.

International waters.

Tank vessels.

49 Stat. 1889.
46 U. S. C., Supp. V, § 391a.

Exclusion of certain noncompetitive transportation.

Ante, pp. 899, 919.

47 Stat. 1425.
46 U. S. C. §§ 843-848; Supp. V, §§ 844-848.

Nonapplicability of designated provisions.
Ante, p. 929.

Ante, pp. 899, 919.

Transportation within a single harbor.

Contiguous harbors.

Transportation by small craft.

"(e) It is hereby declared to be the policy of Congress to exclude from the provisions of this part, in addition to the transportation otherwise excluded under this section, transportation by contract carriers by water which, by reason of the inherent nature of the commodities transported, their requirement of special equipment, or their shipment in bulk, is not actually and substantially competitive with transportation by any common carrier subject to this part or part I or part II. Upon application of a carrier, made in such manner and form as the Commission may by regulations prescribe, the Commission shall, subject to such reasonable conditions and limitations as the Commission may prescribe, by order exempt from the provisions of this part such of the transportation engaged in by such carrier as it finds necessary to carry out the policy above declared. A carrier (other than a carrier subject, at the time this part takes effect, to the provisions of the Intercoastal Shipping Act, 1933, as amended) making such application prior to January 1, 1941, shall be exempt from the provisions of this part until a final determination has been made upon such application if such carrier or a predecessor in interest was in bona fide operation as a contract carrier by water on January 1, 1940, over the route or routes or between the ports with respect to which application is made and has so operated since that time (or, if engaged in furnishing seasonal service only, was in bona fide operation during the seasonal period, prior to or including such date, for operations of the character in question) except, in either event, for interruptions of service over which such carrier or its predecessor in interest had no control.

"(f) Notwithstanding any provision of this section or of section 302, the provisions of this part shall not apply—

"(1) to transportation by water by a carrier by railroad subject to part I or by a motor carrier subject to part II, incidental to transportation subject to such parts, in the performance within terminal areas of transfer, collection, or delivery services, or in the performance of floatage, car ferry, lighterage, or towage; but such transportation shall be considered to be transportation subject to part I when performed by such carrier by railroad, and transportation subject to part II when performed by such motor carrier.

"(2) to transportation by water by any person (whether as agent or under a contractual arrangement) for a common carrier by railroad subject to part I, an express company subject to part I, a motor carrier subject to part II, or a water carrier subject to this part, in the performance within terminal areas of transfer, collection, or delivery services, or in the performance of floatage, car ferry, lighterage, or towage; but such transportation shall be considered to be performed by such carrier or express company as part of, and shall be regulated in the same manner as, the transportation by railroad, express, motor vehicle, or water to which such services are incidental.

"(g) Except to the extent that the Commission shall from time to time find, and by order declare, that such application is necessary to carry out the national transportation policy declared in this Act, the provisions of this part shall not apply (1) to transportation in interstate commerce by water solely within the limits of a single harbor or between places in contiguous harbors, when such transportation is not a part of a continuous through movement under a common control, management, or arrangement to or from a place without the limits of any such harbor or harbors, or (2) to transportation by small craft of not more than one hundred tons carrying capacity or not more than one hundred indicated horsepower, or to

vessels carrying passengers only and equipped to carry no more than sixteen passengers, or to ferries, or to the movement by water carriers of contractors' equipment employed or to be employed in construction or repair for such water carrier, or to the operation of salvors.

"(h) The Commission shall have the power to determine, upon its own motion or upon application of any party in interest, whether any water carrier is engaged solely in transporting the property of a person which owns all or substantially all of the voting stock of such carrier. Upon so finding the Commission shall issue a certificate of exemption to such carrier, and such carrier shall not be subject to the provisions of this part during the period such certificate shall remain in effect. At any time after the issuance of such certificate the Commission may by order revoke such certificate if it finds that such carrier is no longer entitled to the exemption under the foregoing provisions of this subsection. Upon revocation of any such certificate the Commission shall restore to such carrier, without further proceedings, the authority, if any, to engage in transportation subject to the provisions of this part held by such carrier at the time the certificate of exemption pertaining to such carrier became effective. No certificate of exemption shall be denied and no order of revocation shall be issued, under this subsection, except after reasonable opportunity for hearing.

Transportation of owner's, etc., property.

Certificate of exemption.

Revocation.

"(i) In the application of the provisions of this part to any carrier owned or controlled by the United States, no different policy, rule of rate making, system of accounting, or method of determining costs of service, value of property, or rate of return shall be applied than is applied in the case of carriers not so owned or controlled.

Carrier under U. S. control.

"(j) Nothing in this part shall be construed to interfere with the exclusive exercise by each State of the power to regulate intrastate commerce by water carriers within the jurisdiction of such State.

State regulatory powers.

"(k) Nothing in this part shall authorize the Commission to prescribe or regulate any rate, fare, or charge for intrastate transportation, or for any service connected therewith, for the purpose of removing discrimination against interstate commerce or for any other purpose.

Intrastate transportation.

"(l) Whenever transportation exempted under the provisions of subsection (g), or by order of the Commission under subsection (e), becomes subject to the provisions of this part, the carrier may continue to engage in such transportation for a period of one hundred and twenty days without a certificate or permit covering such transportation, and, if application for a certificate or permit covering such transportation is made to the Commission within such period, the Commission shall, without further proceedings, issue to the carrier a certificate or permit, whichever is appropriate, authorizing such transportation previously exempted.

Authorization of transportation previously exempted.

"GENERAL POWERS AND DUTIES OF THE COMMISSION

"SEC. 304. (a) It shall be the duty of the Commission to administer the provisions of this part, and to that end the Commission shall have authority to make and amend such general or special rules and regulations and to issue such orders as may be necessary to carry out such provisions.

General powers and duties of the Commission.

"(b) The Commission shall have authority, for purposes of the administration of the provisions of this part, to inquire into and report on the management of the business of water carriers, and to inquire into and report on the management of the business of persons controlling, controlled by, or under a common control with water carriers, to the extent that the business of such persons is related to the management of

Inquiries and reports on management.

Recommendations to Congress.	the business of one or more such carriers, and the Commission shall keep itself informed as to the manner and method in which the same are conducted. The Commission may obtain from such carriers and persons such information as the Commission deems necessary to carry out the provisions of this part; and may transmit to Congress from time to time, such recommendations (including recommendations as to additional legislation) as the Commission may deem necessary.
Classification of groups of carriers.	“(c) The Commission may establish from time to time such just and reasonable classifications of groups of carriers included in the terms ‘common carrier by water’, or ‘contract carrier by water’, as the special nature of the services performed by such carriers shall require; and such just and reasonable rules, regulations, and requirements consistent with the provisions of this part to be observed by the carriers so classified or grouped, as the Commission, after hearing, finds necessary or desirable in the public interest.
Rules, regulations, and requirements.	“(d) Whenever it shall appear from complaint made to the Commission or otherwise that the rates, fares, regulations, or practices of persons engaged in transportation by water to or from a port or ports of any foreign country in competition with common carriers by water or contract carriers by water, cause undue disadvantage to such carriers by reason of such competition, the Commission may relieve such carriers from the provisions of this part to such extent, and for such time, and in such manner as in its judgment may be necessary to avoid or lessen such undue disadvantage, consistently with the public interest and the national transportation policy declared in this Act.
Undue disadvantage.	“(e) Upon complaint in writing to the Commission by any person, or upon its own initiative without complaint, the Commission may investigate whether any water carrier has failed to comply with any provision of this part or with any requirement established pursuant thereto, and if, after notice of and hearing upon any such investigation, the Commission finds that any such carrier has failed to comply with any such provision or requirement, it shall issue an appropriate order to compel such carrier to comply therewith. Whenever the Commission is of opinion that any complaint does not state reasonable grounds for action on its part, it may dismiss such complaint.
Noncompliance with requirements.	
“RATES, FARES, CHARGES, AND PRACTICES; THROUGH ROUTES	
Prescribed requirements.	“SEC. 305. (a) It shall be the duty of every common carrier by water, with respect to transportation subject to this part which it undertakes or holds itself out to perform, or which it is required by or under authority of this part to perform, to provide and furnish such transportation upon reasonable request therefor, and to establish, observe, and enforce just and reasonable rates, fares, charges, and classifications, and just and reasonable regulations and practices, relating thereto and to the issuance, form, and substance of tickets, receipts, bills of lading, and manifests, the manner and method of presenting, marking, packing, and delivering property for transportation, the carrying of personal, sample, and excess baggage, the facilities for transportation, and all other matters relating to or connected with such transportation in interstate or foreign commerce. All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, shall be just and reasonable, and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful.
Rates, tickets, bills of lading, etc.	“(b) It shall be the duty of common carriers by water to establish reasonable through routes with other such carriers and with common carriers by railroad, for the transportation of persons or property, and just and reasonable rates, fares, charges, and classifications appli-
Charges.	
Through routes.	

cable thereto, and to provide reasonable facilities for operating such through routes, and to make reasonable rules and regulations with respect to their operation and providing for reasonable compensation to those entitled thereto. Common carriers by water may establish reasonable through routes and rates, fares, charges, and classifications applicable thereto with common carriers by motor vehicle. In the case of joint rates, fares, or charges it shall be the duty of the carriers parties thereto to establish just, reasonable, and equitable divisions thereof, which shall not unduly prefer or prejudice any of such carriers.

“(c) It shall be unlawful for any common carrier by water to make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, port district, gateway, transit point, locality, region, district, territory, or description of traffic in any respect whatsoever; or to subject any particular person, port, port district, gateway, transit point, locality, region, district, territory, or description of traffic to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever: *Provided*, That this subsection shall not be construed to apply to discriminations, prejudice, or disadvantage to the traffic of any other carrier of whatever description. Differences in the classifications, rates, fares, charges, rules, regulations, and practices of a water carrier in respect of water transportation from those in effect by a rail carrier with respect to rail transportation shall not be deemed to constitute unjust discrimination, prejudice, or disadvantage, or an unfair or destructive competitive practice, within the meaning of any provision of this Act.

“(d) All common carriers by water shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines and connecting lines, and for the receiving, forwarding, and delivering of passengers or property to and from connecting lines; and shall not discriminate in their rates, fares, and charges between connecting lines, or unduly prejudice any connecting line in the distribution of traffic that is not specifically routed by the shipper. As used in this subsection the term ‘connecting line’ means the connecting line of any common carrier by water or any common carrier subject to part I.

“TARIFFS AND SCHEDULES

“SEC. 306. (a) Every common carrier by water shall file with the Commission, and print, and keep open to public inspection tariffs showing all rates, fares, charges, classifications, rules, regulations, and practices for the transportation in interstate or foreign commerce of passengers and property between places on its own route, and between such places and places on the route of any other such carrier or on the route of any common carrier by railroad or by motor vehicle, when a through route and joint rate shall have been established. Such tariffs shall plainly state the places between which property or passengers will be carried, the classification of property or passengers and, separately, all terminal charges, or other charges which the Commission shall require to be so stated, all privileges or facilities granted or allowed, and any rules or regulations which in anywise change, affect, or determine any part or the aggregate of such rates, fares, or charges, or the value of the service rendered to the passenger, shipper, or consignee.

“(b) All charges of common carriers by water shall be stated in lawful money of the United States. The Commission shall by regulations prescribe the form and manner in which the tariffs

Joint rates.

Undue preference.

Unjust discrimination.

Proviso.
Application of subsection.
Rail and water rates.

Facilities for interchange of traffic.

Rates.

“Connecting line” defined.

Ante, p. 899.

Tariffs and schedules.

Rejection authorized.

required by this section shall be published, filed, and posted; and the Commission is authorized to reject any tariff filed with it which is not in accordance with this section and with such regulations. Any tariff so rejected by the Commission shall be void and its use shall be unlawful.

Unauthorized charges, etc., forbidden.

“(c) No common carrier by water shall charge or demand or collect or receive a greater or less or different compensation for transportation subject to this part or for any service in connection therewith than the rates, fares, or charges specified for such transportation or such service in the tariffs lawfully in effect; and no such carrier shall refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified, or extend to any person any privileges or facilities for transportation affecting the value thereof except such as are specified in its tariff: *Provided*, That the provisions of sections 1 (7) and 22 of part I (which relate to transportation free and at reduced rates), together with such other provisions of such part (including penalties) as may be necessary for the enforcement of such provisions, shall apply to common carriers by water.

Proviso.
Application of certain provisions.
Ante, p. 900.

Filing and publication of rates, etc.

“(d) No common carrier by water, unless otherwise provided by this part, shall engage in transportation subject to this part unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this part. No change shall be made in any rate, fare, charge, classification, regulation, or practice specified in any effective tariff of a common carrier by water except after thirty days' notice of the proposed change filed and posted in accordance with this section. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. The Commission may, in its discretion and for good cause shown, allow changes upon notice less than that herein specified, or modify the requirements of this section, either in particular instances or by general order applicable to special circumstances or conditions.

Notice required for change.

Establishment of minimum rates.

“(e) It shall be the duty of every contract carrier by water to establish and observe reasonable minimum rates and charges for any service rendered or to be rendered in the transportation of passengers or property or in connection therewith and to establish and observe reasonable regulations, and practices to be applied in connection with said reasonable minimum rates and charges. It shall be the duty of every contract carrier by water to file with the Commission, post, and keep open for public inspection, in accordance with such rules and regulations as the Commission shall prescribe, schedules of minimum rates or charges actually maintained and charged for interstate and foreign transportation to which it is a party, and any rule, regulation, or practice affecting such charges and the value of the service thereunder. No contract carrier by water, unless otherwise provided by this part, shall engage in transportation subject to this part unless the minimum rates or charges actually maintained and charged have been published, filed, and posted in accordance with the provisions of this part. No new rate or charge shall be established and no reduction shall be made in any rate or charge, either directly or by means of any change in any rule, regulation, or practice affecting such rate or charge, or the value of service thereunder, except after thirty days' notice of the proposed new rate or charge, or of the proposed change, filed in accordance with this section. The Commission may, in its discretion and for good cause shown, allow the establishment of any such new rate or charge, or any such change, upon notice less than herein specified, or modify the requirement of this section with respect to posting and filing of such schedules, either in particular instances or by general order applicable to special or peculiar circumstances or

Schedules open for inspection.

Publication, etc., required.

Changes.

Discretionary time reduction permitted.

conditions. Such notice shall plainly state the new rate or charge, or the change proposed to be made, and the time when it will take effect. It shall be unlawful for any such carrier to transport passengers or property or to furnish facilities or services in connection therewith for a less compensation, either directly or by means of a change in the terms and conditions of any contract, charter, agreement, or undertaking, than the rates or charges so filed with the Commission: *Provided*, That the Commission, in its discretion and for good cause shown, either upon application of any such carrier or carriers, or any class or group thereof, or upon its own initiative may, after hearing, grant relief from the provisions of this subsection to such extent, and for such time, and in such manner as, in its judgment, is consistent with the public interest and the national transportation policy declared in this Act.

Rates, etc., below schedule.

Proviso.
Exemption for good cause shown.

"COMMISSION'S AUTHORITY OVER RATES, AND SO FORTH

"SEC. 307. (a) Any person may make complaint in writing to the Commission that any individual or joint rate, fare, charge, classification, regulation, or practice of any common carrier by water or any contract carrier by water is or will be in violation of this part. Every complaint shall state fully the facts complained of and the reasons for such complaint and shall be made under oath.

Complaints.

"(b) Whenever, after hearing, upon complaint or in an investigation on its own initiative, the Commission shall be of opinion that any individual or joint rate, fare, or charge demanded, charged, or collected by any common carrier or carriers by water for transportation subject to this part, or any regulation, practice, or classification of such carrier or carriers relating to such transportation, is or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any provision of this part, it may determine and prescribe the lawful rate, fare, or charge or the maximum or minimum, or maximum and minimum rate, fare, or charge thereafter to be observed, or the lawful regulation, practice, or classification thereafter to be made effective.

Adjustment authorized.

"(c) In any proceeding to determine the justness or reasonableness of any rate, fare, or charge of any common carrier by water there shall not be taken into consideration or allowed as evidence or elements of value of the property of such carrier either goodwill, earning power, or the certificate under which such carrier is operating; and in applying for and receiving a certificate under this part any such carrier shall be deemed to have agreed to the provisions of this subsection on its own behalf and on behalf of all transferees of such certificate.

Inadmissible evidence, etc.

"(d) The Commission may, and it shall whenever deemed by it to be necessary or desirable in the public interest, after full hearing upon complaint or upon its own initiative without a complaint, establish through routes, joint classifications, and joint rates, fares, or charges, applicable to the transportation of passengers or property by common carriers by water, or by such carriers and carriers by railroad, or the maxima or minima, or maxima and minima, to be charged, and the divisions of such rates, fares, or charges as hereinafter provided, and the terms and conditions under which such through routes shall be operated. In the case of a through route, where one of the carriers is a common carrier by water, the Commission shall prescribe such reasonable differentials as it may find to be justified between all-rail rates and the joint rates in connection with such common carrier by water. The Commission shall not, however, establish any through route, classification, or practice, or any rate, fare, or charge, between street electric passenger railways not

Establishment of through routes, joint rates, etc.

Differentials.

Street railways excluded.

Burden of proof in
cancellations.

Ante, p. 911.

Divisions of joint
rates.

engaged in the general business of transporting freight in addition to their passenger and express business, and common carriers by water. If any tariff or schedule canceling any through route or joint rate, fare, charge, or classification, without the consent of all carriers parties thereto or authorization by the Commission, is suspended by the Commission for investigation, the burden of proof shall be upon the carrier or carriers proposing such cancellation to show that it is consistent with the public interest, without regard to the provisions of paragraph (4) of section 15.

“(e) Whenever, after hearing upon complaint or upon its own initiative, the Commission is of opinion that the divisions of joint rates, fares, or charges, applicable to the transportation of passengers or property by common carriers by water, or by such carriers and common carriers by railroad or by motor vehicle, are or will be unjust, unreasonable, inequitable, or unduly preferential or prejudicial as between the carriers parties thereto, the Commission shall by order prescribe the just, reasonable, and equitable divisions thereof to be received by the several carriers. In cases where the joint rate, fare, or charge, was established pursuant to a finding or order of the Commission and the divisions thereof are found by it to have been unjust, unreasonable, or inequitable, or unduly preferential or prejudicial, the Commission may also by order determine what (for the period subsequent to the filing of the complaint or petition or the making of the order of investigation) would have been the just, reasonable, and equitable divisions thereof to be received by the several carriers, and require adjustment to be made in accordance therewith. In so prescribing and determining the divisions of joint rates, fares and charges, the Commission shall give due consideration, among other things, to the efficiency with which the carriers concerned are operated, the amount of revenue required to pay their respective operating expenses, taxes, and a fair return on their property held for and used in the service of transportation, and the importance to the public of the transportation services of such carriers and also whether any particular participating carrier is an originating, intermediate, or delivering line, and any other fact or circumstance which would ordinarily, without regard to the mileage haul, entitle one carrier to a greater or less proportion than another carrier of the joint rate, fare, or charge.

Rate-making policy.

“(f) In the exercise of its power to prescribe just and reasonable rates, fares, and charges of common carriers by water, and classifications, regulations, and practices relating thereto, the Commission shall give due consideration, among other factors, to the effect of rates upon the movement of traffic by the carrier or carriers for which the rates are prescribed; to the need, in the public interest, of adequate and efficient water transportation service at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable water carriers, under honest, economical, and efficient management, to provide such service.

Suspension of new
rate, etc., pending de-
cision.

Post, p. 951.

“(g) Whenever there shall be filed with the Commission any schedule (except a schedule referred to in section 322) stating a new rate, fare, charge, classification, regulation, or practice for the interstate or foreign transportation of passengers or property by a common carrier or carriers by water, the Commission may upon protest of interested parties or upon its own initiative at once, and, if it so orders, without answer or other formal pleading by such carrier or carriers, but upon reasonable notice, enter upon an investigation concerning the lawfulness of such rate, fare, charge, classification, regulation, or practice, and pending such hearing and the decision thereon, the Commission, by filing with such schedule and delivering to the carrier or carriers affected thereby a statement in

writing of its reasons for such suspension, may from time to time suspend the operation of such schedule and defer the use of such rate, fare, charge, classification, regulation, or practice, but not for a longer period than seven months beyond the time when it would otherwise go into effect; and after hearing, whether completed before or after the rate, fare, charge, classification, regulation, or practice goes into effect, the Commission may make such order with reference thereto, as would be proper in a proceeding instituted after such rate, fare, charge, classification, regulation, or practice had become effective. If the proceeding shall not have been concluded and an order made within the period of suspension, the proposed rate, fare, charge, classification, regulation, or practice shall go into effect at the end of such period: *Provided, however*, That this subsection shall not apply to any initial schedule filed prior to October 1, 1941, by any such carrier (other than a carrier subject, at the time this part takes effect, to the provisions of the Intercoastal Shipping Act, 1933, as amended, or the Shipping Act, 1916, as amended) insofar as such schedule names rates on traffic, or for services connected therewith, as to which such carrier was in bona fide operation on January 1, 1940. At any hearing involving a change in a rate, fare, charge, or classification, or in a rule, regulation, or practice, the burden of proof shall be upon the carrier to show that the proposed changed rate, fare, charge, classification, rule, regulation, or practice is just and reasonable.

“(h) Whenever, after hearing, upon complaint or its own initiative, the Commission finds that any minimum rate or charge of any contract carrier by water, or any rule, regulation, or practice of any such carrier affecting such minimum rate or charge, or the value of the service thereunder, contravenes the national transportation policy declared in this Act, or is in contravention of any provision of this part, the Commission may prescribe such just and reasonable minimum rate or charge, or such rule, regulation, or practice as in its judgment may be necessary or desirable in the public interest and to promote such policy and will not be in contravention of any provision of this part. Such minimum rate or charge, or such rule, regulation, or practice, so prescribed by the Commission, shall give no advantage or preference to any such carrier in competition with any common carrier by water subject to this part, which the Commission may find to be undue or inconsistent with the public interest and the national transportation policy declared in this Act, and the Commission shall give due consideration to the cost of the services rendered by such carriers, and to the effect of such minimum rate or charge, or such rule, regulation, or practice, upon the movement of traffic by such carriers. All complaints shall state fully the facts complained of and the reasons for such complaint and shall be made under oath.

“(i) Whenever there shall be filed with the Commission by any such contract carrier any schedule (except a schedule referred to in section 322) stating a charge for a new service or a reduced charge, directly or by means of any rule, regulation, or practice, for transportation in interstate or foreign commerce, the Commission may upon complaint of interested parties or upon its own initiative at once and, if it so orders, without answer or other formal pleading by the interested party, but upon reasonable notice, enter upon a hearing concerning the lawfulness of such charge, or such rule, regulation, or practice, and pending such hearing and the decision thereon the Commission, by filing with such schedule and delivering to the carrier affected thereby a statement in writing of its reasons for such suspension, may from time to time suspend the operation of such schedule and defer the use of such charge, or such rule, regulation, or practice, but not

Suspension period.

Proviso.
Exceptions.

47 Stat. 1425.
46 U. S. C. §§ 843-
848; Supp. V, §§ 844-
848.
39 Stat. 728.
46 U. S. C., ch. 23;
Supp. V, ch. 23.

Burden of proof.

Revision of mini-
mum rates.

Undue preference.

Complaints.

Modification of
schedules.
Post, p. 951.

Hearing.

Temporary suspen-
sion.

Proviso.
Exception.
 47 Stat. 1425.
 46 U. S. C. §§ 843-
 848; Supp. V, §§ 844-
 848.
 39 Stat. 728.
 46 U. S. C., ch. 23;
 Supp. V, ch. 23.

Burden of proof.

for a longer period than seven months beyond the time when it would otherwise go into effect; and after hearing, whether completed before or after the charge, or rule, regulation, or practice goes into effect, the Commission may make such order with reference thereto as would be proper in a proceeding instituted after it had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change in any charge or rule, regulation, or practice shall go into effect at the end of such period: *Provided*, That this subsection shall not apply to any initial schedule filed prior to October 1, 1941, by any such carrier (other than a carrier subject, at the time this part takes effect, to the provisions of the Intercoastal Shipping Act, 1933, as amended, or the Shipping Act, 1916, as amended) insofar as such schedule names charges on traffic, or for services connected therewith, as to which such carrier was in bona fide operation on January 1, 1940. The rule as to burden of proof specified in subsection (g) of this section shall apply to this subsection.

"REPARATION AWARDS; LIMITATION OF ACTIONS"

"Carrier" defined.

"SEC. 308. (a) For the purposes of this section the term 'carrier' means a water carrier engaged in transportation subject to this part (1) by way of the Panama Canal, or (2) as a common carrier by water on the high seas or the Great Lakes on regular routes from port to port.

Liability for damages.

"(b) In case any carrier shall do, cause to be done, or permit to be done any act, matter, or thing in this part prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this part required to be done, such carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case.

Right of person damaged; remedies.

"(c) Any person or persons claiming to be damaged by any carrier may either make complaint to the Commission or may bring suit in his or their own behalf for the recovery of the damages for which such carrier may be liable under the provisions of subsection (b), in any district court of the United States of competent jurisdiction; but such person or persons shall not have the right to pursue both of said remedies.

Award.

"(d) If, after hearing on a complaint, the Commission shall determine that any party complainant is entitled to an award of damages under the provisions of this part for a violation thereof by any carrier, the Commission shall make an order directing the carrier to pay to the complainant the sum to which he is entitled on or before a day named.

Suit for recovery.

"(e) If such carrier does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may file with the district court of the United States for the district in which he or it resides or in which is located the principal operating office of such carrier or in which is located any port of call on a route operated by such carrier, or in any State court of general jurisdiction having jurisdiction of the parties, a complaint setting forth briefly the causes for which he claims damages, and the order of the Commission in the premises. Such suit in the district court of the United States shall proceed in all respects like other civil suits for damages, except that on the trial of such suit the findings and order of the Commission shall be prima facie evidence of the facts therein stated, and except

that the plaintiff shall not be liable for costs in the district court nor for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If the plaintiff shall finally prevail he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit.

Attorney's fee.

"(f) (1) All complaints against carriers for the recovery of damages or overcharges shall be filed with the Commission within three years from the time the cause of action accrues, and not after.

Time limitations.

"(2) The cause of action in respect of a shipment of property shall, for the purposes of this section, be deemed to accrue upon delivery or tender of delivery thereof by the carrier and not after.

"(3) A complaint for the enforcement of an order of the Commission for the payment of money shall be filed in the district court or the State court within one year from the date of the order, and not after.

"(4) The term 'overcharges' as used in this section means charges for transportation services in excess of those applicable thereto under the tariffs lawfully on file with the Commission.

"Overcharges" defined.

"(5) The provisions of this subsection (f) shall take effect six months after this section becomes effective and extend to and embrace cases in which the cause of action has heretofore accrued.

Effective date; scope.

"(g) In such suits all parties in whose favor the Commission may have made an award of damages by a single order may be joined as plaintiffs, and all of the carriers parties to such order awarding such damages may be joined as defendants, and such suit may be maintained by such joint plaintiffs and against such joint defendants in any district where any one of such joint plaintiffs could maintain such suit against any one of such joint defendants; and service of process against any one of such defendants as may not be found in the district where the suit is brought may be made in any district where such defendant has his or its principal operating office. In case of such joint suit the recovery, if any, may be by judgment in favor of any one of such plaintiffs, against the defendant found to be liable to such plaintiff.

Joinder of parties.

Service of process.

Judgment.

"CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND PERMITS

"SEC. 309. (a) Except as otherwise provided in this section and section 311, no common carrier by water shall engage in transportation subject to this part unless it holds a certificate of public convenience and necessity issued by the Commission: *Provided, however,* That, subject to section 310, if any such carrier or a predecessor in interest was in bona fide operation as a common carrier by water on January 1, 1940, over the route or routes or between the ports with respect to which application is made and has so operated since that time (or, if engaged in furnishing seasonal service only, was in bona fide operation during the seasonal period, prior to or including such date, for operations of the character in question) except, in either event, as to interruptions of service over which the applicant or its predecessor in interest had no control, the Commission shall issue such certificate without requiring further proof that public convenience and necessity will be served by such operation, and without further proceedings, if application for such certificate is made to the Commission as provided in subsection (b) of this section and prior to the expiration of one hundred and twenty days after this section takes effect. Pending the determination of any such application, the continuance of such operation shall be lawful. If the application for such certificate is not made within one hundred and twenty days after this section takes effect, it shall be decided in accordance with the standards and procedure provided for in subsection (c),

Certificates of public convenience and necessity.

Proviso.
Waiver of provisions.

Time limitation.

Provisional continuance of operation.

and such certificate shall be issued or denied accordingly. Any person, not included within the provisions of the foregoing proviso, who is engaged in transportation as a common carrier by water when this section takes effect may continue such operation for a period of one hundred and twenty days thereafter without a certificate, and, if application for such certificate is made to the Commission within such period, the continuance of such operation shall be lawful pending determination of such application.

Application for certificate.

“(b) Application for a certificate shall be made in writing to the Commission, be verified under oath, and shall be in such form and contain such information and be accompanied by proof of service upon such interested parties as the Commission shall, by regulations, require.

Qualifications for issuance.
Post, p. 943.

“(c) Subject to section 310, upon application as provided in this section the Commission shall issue a certificate to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if the Commission finds that the applicant is fit, willing, and able properly to perform the service proposed and to conform to the provisions of this part and the requirements, rules, and regulations of the Commission thereunder, and that the proposed service, to the extent authorized by the certificate, is or will be required by the present or future public convenience and necessity; otherwise such application shall be denied.

Routes; ports.

“(d) Such certificate shall specify the route or routes over which, or the ports to and from which, such carrier is authorized to operate, and, at the time of issuance and from time to time thereafter, there shall be attached to the exercise of the privileges granted by such certificate such reasonable terms, conditions, and limitations as the public convenience and necessity may from time to time require, including terms, conditions, and limitations as to the extension of the route or routes of the carrier, and such other terms, and conditions, and limitations as are necessary to carry out, with respect to the operations of the carrier, the requirements of this part or those established by the Commission pursuant thereto: *Provided, however*, That no terms, conditions, or limitations shall restrict the right of the carrier to add to its equipment, facilities, or service within the scope of such certificate, as the development of the business and the demands of the public shall require, or the right of the carrier to extend its services over uncompleted portions of waterway projects now or hereafter authorized by Congress, over the completed portions of which it already operates, as soon as such uncompleted portions are open for navigation.

Terms, conditions, and limitations.

Proviso.
Right to add equipment.

Extension of services.

Use of public waterways.

Permit prerequisite to operation.

Proviso.
Waiver of provisions.

“(e) No certificate issued under this part shall confer any proprietary or exclusive right or rights in the use of public waterways.

“(f) Except as otherwise provided in this section and section 311, no person shall engage in the business of a contract carrier by water unless he or it holds an effective permit, issued by the Commission authorizing such operation: *Provided*, That, subject to section 310, if any such carrier or a predecessor in interest was in bona fide operation as a contract carrier by water on January 1, 1940, over the route or routes or between the ports with respect to which application is made, and has so operated since that time (or, if engaged in furnishing seasonal service only, was in bona fide operation during the seasonal period, prior to or including such date, for operations of the character in question) except, in either event, as to interruptions of service over which the applicant or its predecessor in interest had no control, the Commission shall issue such permit, without further proceedings, if application for such permit is made to the Commission as provided in subsection (g) of this section and prior to the expiration of one hundred and twenty days after this section takes effect. Pending the determination of any such application, the continuance of such

Provisional continuance of operation.

operation shall be lawful. If the application for such permit is not made within one hundred and twenty days after this section takes effect, it shall be decided in accordance with the standards and procedure provided for in subsection (g), and such permit shall be issued or denied accordingly. Any person, not included within the provision of the foregoing proviso, who is engaged in transportation as a contract carrier by water when this section takes effect may continue such operation for a period of one hundred and twenty days thereafter without a permit, and, if application for such permit is made to the Commission within such period, the continuance of such operation shall be lawful pending the determination of such application.

"(g) Application for such permit shall be made to the Commission in writing, be verified under oath, and shall be in such form and contain such information and be accompanied by proof of service upon such interested parties as the Commission shall, by regulations, require. Subject to section 310, upon application the Commission shall issue such permit if it finds that the applicant is fit, willing, and able properly to perform the service proposed and to conform to the provisions of this part and the requirements, rules, and regulations of the Commission thereunder, and that such operation will be consistent with the public interest and the national transportation policy declared in this Act. The business of the carrier and the scope thereof shall be specified in such permit and there shall be attached thereto at time of issuance and from time to time thereafter such reasonable terms, conditions, and limitations, consistent with the character of the holder as a contract carrier by water, as are necessary to carry out the requirements of this part or those lawfully established by the Commission pursuant thereto: *Provided, however,* That no terms, conditions, or limitations shall restrict the right of the carrier to substitute or add contracts within the scope of the permit, or to add to his equipment, facilities, or service, within the scope of the permit, as the development of the business and the demands of the carrier's patrons shall require.

Application for permit.

Issuance.

Proriso.
Certain rights not restricted.

"DUAL OPERATIONS UNDER CERTIFICATES AND PERMITS

"SEC. 310. Unless, for good cause shown, the Commission shall find, or shall have found, that both a certificate and a permit may be so held consistently with the public interest and with the national transportation policy declared in this Act—

Operation under certificate and permit.

"(1) no person, or any person controlling, controlled by, or under common control with such person, shall hold a certificate as a common carrier by water if such person, or any such controlling person, controlled person, or person under common control, holds a permit as a contract carrier by water; and

"(2) no person, or any person controlling, controlled by, or under common control with such person, shall hold a permit as a contract carrier by water if such person, or any such controlling person, controlled person, or person under common control, holds a certificate as a common carrier by water.

"TEMPORARY OPERATIONS

"SEC. 311. (a) To enable the provision of service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority for such service by a common carrier by water or a contract carrier by water, as the case may be.

Temporary operation authority.

Duration.	Such temporary authority shall be valid for such time as the Commission shall specify but not for more than an aggregate of one hundred and eighty days, and shall create no presumption that corresponding permanent authority will be granted thereafter.
Merger.	“(b) Pending the determination of an application filed with the Commission under this Act for approval of a consolidation or merger of the properties of two or more water carriers, or of a purchase, lease, or contract to operate the properties of one or more water carriers, the Commission may, for good cause shown, and without hearings or other proceedings, grant temporary approval, for a period not exceeding one hundred and eighty days, of operation of the properties of such carriers by water by the person proposing to acquire them, as aforesaid.

“TRANSFER OF CERTIFICATES AND PERMITS

Transfer of certificates and permits.	“SEC. 312. Except as provided in this part, any such certificate or permit may be transferred in accordance with such regulations as the Commission shall prescribe for the protection of the public interest and to insure compliance with the provisions of this part.
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“ACCOUNTS, RECORDS, AND REPORTS

Authority of Commission.	“SEC. 313. (a) The Commission is hereby authorized to require annual, periodical, or special reports from water carriers and lessors (as defined in this section), and to prescribe the manner and form in which such reports shall be made, and to require from such carriers and lessors specific and full, true, and correct answers to all questions upon which the Commission may deem information to be necessary. Such annual reports shall give an account of the affairs of the carrier or lessor in such form and detail as may be prescribed by the Commission. Said annual reports shall contain all the required information for the period of twelve months ending on the thirty-first day of December in each year, unless the Commission shall specify a different date, and shall be made out under oath and filed with the Commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the Commission. Such periodical or special reports as may be required by the Commission under this paragraph shall also be under oath whenever the Commission so requires.
Information required.	
Filing of copy of contract, charter, or agreement.	“(b) The Commission may also require any such carrier to file with it a true copy of any contract, charter, or agreement between such carrier and any other carrier or person in relation to transportation facilities, service, or traffic affected by the provisions of this part. The Commission shall not, however, make public any contract, charter, or agreement between a contract carrier by water and a shipper, or any of the terms or conditions thereof, except as a part of the record in a formal proceeding where it considers such action consistent with the public interest: <i>Provided</i> , That if it appears from an examination of any such contract that it fails to conform to the published schedule of the contract carrier by water as required by section 306 (e), the Commission may, in its discretion, make public such of the provisions of the contract as the Commission considers necessary to disclose such failure and the extent thereof.
Confidential treatment accorded.	
<i>Proviso.</i> Failure to conform to published schedule.	“(c) The Commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this part, prescribe a uniform system of accounts applicable to any class of water carriers, and a period of time within which such class shall have such uniform system of accounts, and the manner in which such accounts shall be kept.
<i>Ante</i> , p. 936.	
Uniform system of accounts.	

“(d) The Commission shall, as soon as practicable, prescribe for water carriers the classes of property for which depreciation charges may properly be included under operating expenses, and the rate or rates of depreciation which shall be charged with respect to each of such classes of property, classifying the carriers as it may deem proper for this purpose. The Commission may, when it deems necessary, modify the classes and rates so prescribed. When the Commission shall have exercised its authority under the foregoing provisions of this subsection, water carriers shall not charge to operating expenses any depreciation charges on classes of property other than those prescribed by the Commission, or charge with respect to any class of property a rate of depreciation other than that prescribed therefor by the Commission, and no such carrier shall in any case include under operating expenses any depreciation charge in any form whatsoever other than as prescribed by the Commission.

Depreciation charges; rates.

Modifications.

“(e) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by water carriers and lessors, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of money, and it shall be unlawful for such carriers or lessors to keep any accounts, records, and memoranda contrary to any rules, regulations, or orders of the Commission with respect thereto.

Forms of accounts, records, and memoranda.

“(f) The Commission or its duly authorized special agents, accountants, or examiners shall have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents, of such water carriers and lessors, and such accounts, books, records, memoranda, correspondence, and other documents of any person controlling, controlled by, or under common control with any such carrier as the Commission deems relevant to such person's relation to or transactions with such carrier. The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to all lands, buildings, or equipment of such carriers or lessors, and shall have authority under its order to inspect and examine any and all such lands, buildings, and equipment. All such carriers, lessors, and persons shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and for copying authorized by this paragraph, and such carriers and lessors shall submit their lands, buildings, and equipment for inspection and examination, to any duly authorized special agent, accountant, or examiner of the Commission, upon demand and the display of proper credentials.

Inspection and examination of accounts, lands, equipment, etc.

“(g) The Commission may issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents of water carriers or lessors as may, after a reasonable time, be destroyed, and prescribing the length of time the same shall be preserved.

Preservation of records; destruction.

“(h) As used in this section, the words ‘keep’ and ‘kept’ shall be construed to mean made, prepared, or compiled, as well as retained; the term ‘lessor’ means a lessor of any right to operate as a water carrier; and the term ‘water carrier’ or ‘lessor’ includes a receiver or trustee of such water carrier or lessor.

“Keep” and “kept.”

“Lessor.”

“Water carrier” or “lessor.”

“ALLOWANCES TO SHIPPERS FOR TRANSPORTATION SERVICES

“SEC. 314. If the owner of property transported under this part directly or indirectly renders any service connected with such transportation, or furnishes any instrumentality used therein, the charge and allowance therefor shall be published in tariffs or schedules filed in the manner provided in this part and shall be no more than is just and reasonable; and the Commission may, after hearing on a com-

Allowances.

plaint or on its own initiative, determine what is a reasonable charge as the maximum to be paid by the carrier or carriers for the services so rendered or for the use of the instrumentality so furnished, and fix the same by appropriate order.

“NOTICES, ORDERS, AND SERVICE OF PROCESS

Designation of agent upon whom service may be made.

“SEC. 315. (a) It shall be the duty of every water carrier to file with the Commission a designation in writing of the name and post-office address of an agent upon whom or which service of notices or orders may be made under this part. Such designation may from time to time be changed by like writing similarly filed. Service of notices or orders in proceedings under this part may be made upon such carrier by personal service upon it or upon an agent so designated by it, or by registered mail addressed to it or to such agent at the address filed. In default of such designation, service of any notice or order may be made by posting in the office of the secretary of the Commission. Whenever notice or order is served by mail, as provided herein, the date of mailing shall be considered as the time of service. In proceedings before the Commission involving the lawfulness of rates, fares, charges, classifications, or practices, service of notice upon an attorney in fact of a carrier who has filed a tariff or schedule in behalf of such carrier shall be deemed to be due and sufficient service upon the carrier.

Hearing or investigation prerequisite.

“(b) No order, based upon a finding that any water carrier has violated any provision of this part, shall be made by the Commission except after hearing upon complaint or after an investigation upon its own initiative.

“(c) The Commission may suspend, modify, or set aside its orders under this part upon such notice and in such manner as it shall deem proper.

Effective dates.

“(d) Except as otherwise provided in this part, all orders of the Commission, other than orders for the payment of money, shall take effect within such reasonable time, not less than thirty days, as the Commission may prescribe and shall continue in force until its further order, or for a specified period of time, according as shall be prescribed in the order, unless the same shall be suspended, modified, or set aside by the Commission, or be suspended or set aside by a court of competent jurisdiction.

Observance of orders.

“(e) It shall be the duty of every water carrier, its agents and employees, to observe and comply with such orders so long as the same shall remain in effect.

“ENFORCEMENT AND PROCEDURE

Enforcement and procedure.

Ante, pp. 910, 913.
49 U. S. C. § 46.
15 U. S. C. §§ 32, 33.

“SEC. 316. (a) The provisions of section 12 and section 17 of part I, and the Compulsory Testimony Act (27 Stat. 443), and the Immunity of Witnesses Act (34 Stat. 798; 32 Stat. 904, ch. 755, sec. 1), shall apply with full force and effect in the administration and enforcement of this part.

Failure to comply with designated provisions, etc.

“(b) If any water carrier fails to comply with or operates in violation of any provision of this part (except provisions as to the reasonableness of rates, fares, or charges, and the discriminatory character thereof), or any rule, regulation, requirement, or order thereunder (except an order for the payment of money), or of any term or condition of any certificate or permit, the Commission or the Attorney General of the United States (or, in case of such an order, any party injured by the failure to comply therewith or by the violation thereof) may apply to any district court of the United States having jurisdic-

tion of the parties for the enforcement of such provision of this part or of such rule, regulation, requirement, order, term, or condition; and such court shall have jurisdiction to enforce obedience thereto by a writ or writs of injunction or other process, mandatory or otherwise, restraining such carrier and any officer, agent, employee, or representative thereof from further violation of such provision of this part or of such rule, regulation, requirement, order, term, or condition and enjoining obedience thereto.

Enforcement of obedience.

“(c) The Commission shall enter of record a written report of hearings conducted upon complaint, or upon its own initiative without complaint, stating its conclusions, decision, and order and, if reparation is awarded, the findings of fact upon which the award is made; and shall furnish a copy of such report to all parties of record. The Commission may provide for the publication of such reports in the form best adapted for public information and use, and such authorized publications shall, without further proof or authentication, be received as competent evidence of such reports in any court of competent jurisdiction.

Written report of hearings.

Publication.

“(d) Subject to the provisions of section 313, the copies of schedules, and classifications and tariffs of rates, fares, and charges, and of all contracts, agreements, and arrangements of water carriers filed with the Commission as herein provided, and the statistics, tables, and figures contained in the annual or other reports of carriers made to the Commission as required, under the provisions of this part shall be preserved as public records in the custody of the secretary of the Commission, and shall be received as prima facie evidence of what they purport to be for the purpose of investigations by the Commission and in all judicial proceedings; and copies of and extracts from any of said schedules, classifications, tariffs, contracts, agreements, arrangements, or reports, made public records as aforesaid, certified by the secretary, under the Commission's seal, shall be received in evidence with like effect as the originals.

Ante, p. 944.

Public records.

Certified copies as evidence.

“UNLAWFUL ACTS AND PENALTIES

“SEC. 317. (a) Any person who knowingly and willfully violates any provision of this part, or any rule, regulation, requirement, or order thereunder, or any term or condition of any certificate or permit, for which no penalty is otherwise provided, shall be deemed guilty of a misdemeanor and upon conviction thereof in any court of the United States of competent jurisdiction in the district in which such offense was in whole or in part committed shall be subject for each offense to a fine not exceeding \$500. Each day of such violation shall constitute a separate offense.

Unlawful acts and penalties.

“(b) Any water carrier or any officer, agent, employee, or representative thereof, who shall knowingly and willfully offer, grant, or give, or cause to be offered, granted, or given, any rebate, deferred rebate, or other concession, in violation of the provisions of this part, or who, by any device or means, shall knowingly and willfully assist, or shall willingly suffer or permit, any person to obtain transportation subject to this part at less than the rates, fares, or charges lawfully in effect, shall be deemed guilty of a misdemeanor and upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was wholly or in part committed shall be subject for each offense to a fine of not more than \$5,000.

Offering of rebates, etc.

Penalty.

“(c) Any person who shall knowingly and willfully solicit, accept, or receive any rebate, deferred rebate, or other concession in violation of the provisions of this part, or who shall by any device or means, whether with or without the consent or connivance of any water carrier

Soliciting or receiving rebates.

False claims, etc.	<p>or his or its officer, agent, employee, or representative, knowingly and willfully obtain transportation subject to this part at less than the rates, fares, or charges lawfully in effect, or shall knowingly and willfully, directly or indirectly, by false claim, false billing, false representation, or other device or means, obtain or attempt to obtain any allowance, refund, or repayment in connection with or growing out of such transportation, whether with or without the consent or connivance of such carrier or his or its officer, agent, employee, or representative, whereby the compensation of such carrier for such transportation or service, either before or after payment, shall be less than the rates, fares, or charges lawfully in effect, shall be deemed guilty of a misdemeanor and upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was in whole or in part committed, be subject for each offense to a fine of not more than \$5,000.</p>
Penalty. Failure to make required report.	<p>“(d) Any water carrier or other person, or any officer, agent, employee, or representative thereof, who shall willfully fail or refuse to make a report to the Commission as required by this part, or to make specific and full, true, and correct answer to any question within thirty days from the time it is lawfully required by the Commission so to do, or to keep accounts, records, and memoranda in the form and manner prescribed by the Commission, or shall willfully falsify, destroy, mutilate, or alter any report, account, record, memorandum, book, correspondence, or other document, required under this part to be kept, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions as required under this part, or shall willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Commission with respect thereto, or shall knowingly and willfully file with the Commission any false report, account, record, or memorandum, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was in whole or in part committed, be subject for each offense to a fine of not more than \$5,000. As used in this subsection, the word ‘keep’ shall be construed to mean made, prepared, or compiled, as well as retained.</p>
False reports.	<p>“(e) Any special agent, accountant, or examiner of the Commission who knowingly and willfully divulges any fact or information which may come to his knowledge during the course of any examination or inspection made under authority of section 313, except as he may be directed by the Commission or by a court or judge thereof, shall be guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not more than \$500 or imprisonment for a term not exceeding six months, or both.</p>
Penalty. “Keep” construed.	<p>“(f) It shall be unlawful for any common carrier by water, or any officer, receiver, trustee, lessee, agent, or employee of such carrier, or for any other person authorized by such carrier or person to receive information, knowingly and willfully to disclose to or permit to be acquired by any person other than the shipper or consignee, without the consent of such shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to such carrier for transportation subject to this part, which information may be used to the detriment or prejudice of such shipper or consignee, or which may or does improperly disclose his business transactions to a competitor; and it shall also be unlawful for any person to solicit or knowingly and</p>
Unlawful disclosures by Commission employee. <i>Ante</i> , p. 944.	
Penalty.	
Unlawful disclosures by carrier, etc.	

willfully receive any such information which may be or is so used. Any person violating any provisions of this subsection shall be guilty of a misdemeanor and upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was in whole or in part committed shall be subject to a fine of not more than \$2,000. Nothing in this part shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any court, or to any officer or agent of the Government of the United States or of any State, Territory, or District thereof, in the exercise of his powers, or to any officer or other duly authorized person seeking such information for the prosecution of persons charged with or suspected of crimes, or to another carrier, or its duly authorized agent, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of such carriers.

Penalty.

Exceptions.

"COLLECTION OF RATES AND CHARGES

"SEC. 318. No common carrier by water shall deliver or relinquish possession at destination of any freight transported by it until all tariff rates and charges thereon have been paid, except under such rules and regulations as the Commission may from time to time prescribe to govern the settlement of all such rates and charges, including rules and regulations for periodical settlement, and to prevent unjust discrimination or undue preference or prejudice: *Provided*, That the provisions of this paragraph shall not be construed to prohibit any such carrier from extending credit in connection with rates and charges on freight transported for the United States, for any department, bureau, or agency thereof, or for any State or Territory or political subdivision thereof, or for the District of Columbia. Where such carrier is instructed by a shipper or consignor to deliver property transported by such carrier to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of such property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (1) is an agent only and had no beneficial title in the property, and (2) prior to delivery of the property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has notified the delivering carrier in writing of the name and address of the beneficial owner of the property. In such cases the shipper or consignor, or in the case of a shipment so reconsigned or diverted, the beneficial owner shall be liable for such additional charges irrespective of any provisions to the contrary in the bill of lading or in the contract under which the shipment was made or handled. An action for the enforcement of such liability may be begun within two years from the time the cause of action accrues, or before the expiration of six months after final judgment against the carrier in an action against the consignee begun within said period. If the consignee has given to the carrier erroneous information as to who is the beneficial owner, such consignee shall himself be liable for such additional charges, notwithstanding the foregoing provisions of this paragraph. An action for the enforcement of such liability may be begun within two years from the time the cause of action accrues, or before the expiration of six months after final judgment against the carrier in an action

Collection of rates and charges.

Provided.
Governmental freight.

Nonliability of consignee.

Liability of shipper, consignor, or beneficial owner.

Time limitations.

Liability of consignee.

Time limitations.

Reconignments,
etc., liability of bene-
ficial owner.

against the beneficial owner named by the consignee begun within said period. On shipments reconsigned or diverted by an agent who has furnished the carrier with a notice of agency and the proper name and address of the beneficial owner, and where such shipments are refused or abandoned at ultimate destination, the said beneficial owner shall be liable for all legally applicable charges in connection therewith.

"EMPLOYEES

Employees.

"SEC. 319. The Commission is authorized to employ such experts, assistants, special agents, examiners, attorneys, and other employees as in its judgment may be necessary or advisable for the convenience of the public and for the efficient administration of this part. Such examiners shall have power to administer oaths, examine witnesses, and receive evidence.

Power to administer
oaths, etc.

"REPEALS

39 Stat. 728.
47 Stat. 1425.
46 U. S. C. §§ 801-
842, 843-848; Supp. V,
§§ 804-848.

"SEC. 320. (a) The Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended, are hereby repealed insofar as they are inconsistent with any provision of this part and insofar as they provide for the regulation of, or the making of agreements relating to, transportation of persons or property by water in commerce which is within the jurisdiction of the Commission under the provisions of this part; and any other provisions of law are hereby repealed insofar as they are inconsistent with any provision of this part.

49 Stat. 1987.
46 U. S. C., Supp. V,
§ 1115.

"(b) Nothing in subsection (a) shall be construed to repeal—

"(1) section 205 of the Merchant Marine Act, 1936, as amended, or any provision of law providing penalties for violations of such section 205;

47 Stat. 1425, 1427.
46 U. S. C. §§ 844,
847; Supp. V, §§ 844,
847.

"(2) the third sentence of section 2 of the Intercoastal Shipping Act, 1933, as amended, as extended by section 5 of such Act, or any provision of law providing penalties for violations of such section 2;

39 Stat. 728.
46 U. S. C. § 801.

"(3) the provisions of the Shipping Act, 1916, as amended, insofar as such Act provides for the regulation of persons included within the term 'other person subject to this Act', as defined in such Act;

41 Stat. 999.
46 U. S. C. §§ 883, 884;
Supp. V, §§ 883, 884.

"(4) sections 27 and 28 of the Merchant Marine Act, 1920, as amended.

39 Stat. 733.
46 U. S. C. § 814.

"(c) Nothing in subsection (a) shall be construed to affect the provisions of section 15 of the Shipping Act, 1916, so as to prevent any water carrier subject to the provisions of this part from entering into any agreement under the provisions of such section 15 with respect to transportation not subject to the provisions of this part in which such carrier may be engaged.

"(d) Nothing in this part shall be construed to affect any law of navigation, the admiralty jurisdiction of the courts of the United States, liabilities of vessels and their owners for loss or damage, or laws respecting seamen, or any other maritime law, regulation, or custom not in conflict with the provisions of this part.

Repeal.
45 Stat. 980.
49 U. S. C., Supp. V,
§ 153 (e).

Proviso.
Continuance of cer-
tificates of public con-
venience, etc.
Ante, p. 941.

"(e) Subsection (e) of section 3 of the Inland Waterways Corporation Act of June 7, 1924, as amended (U. S. C., title 49, sec. 153 (e)), is hereby repealed as of October 1, 1940: *Provided, however, That* (1) any certificate of public convenience and necessity granted to any carrier pursuant to the provisions of such subsection (e) shall continue in effect as though issued under the provisions of section 309 of the Interstate Commerce Act, as amended; and (2) through routes and joint rates, and rules, regulations, and practices relating thereto, put into effect pursuant to the provisions of such subsection (e) shall, after

the repeal of such subsection (e), be held and considered to have been put into effect pursuant to the provisions of the Interstate Commerce Act, as amended.

“TRANSFER OF EMPLOYEES, RECORDS, PROPERTY, AND APPROPRIATIONS

“SEC. 321. (a) Such officers and employees of the United States Maritime Commission as the President shall determine to have been employed in the administration of the provisions of law repealed by section 320, and whose retention by the United States Maritime Commission is not necessary, in the opinion of the President, for the performance of other duties, are transferred to the Interstate Commerce Commission upon such date or dates as the President shall specify by Executive order. Such transfer of such personnel shall be without reduction in classification or compensation, except that this requirement shall not operate after the end of the fiscal year during which such transfer is made to prevent the adjustment of classification or compensation to conform to the duties to which such transferred personnel may be assigned.

Transfer of personnel.

Ante, p. 950.

“(b) All files, reports, records, tariff schedules, property (including office furniture and equipment), contracts, agreements, documents, or papers kept or used by, made to, or filed with the United States Maritime Commission under or in the administration of any provision of law repealed by this part, are hereby transferred to the jurisdiction and control of the Interstate Commerce Commission, and may be used for such purposes as the Interstate Commerce Commission may deem necessary in the administration of this part; except that in the case of files, reports, records, tariff schedules, contracts, agreements, documents, or papers, the retention of which is necessary for purposes of the administration by the United States Maritime Commission of matters within its jurisdiction, the furnishing to the Interstate Commerce Commission of copies thereof shall constitute sufficient compliance with the provisions of this subsection.

Records, property, etc.

“(c) All appropriations and unexpended balances of appropriations available for expenditure by the United States Maritime Commission in the administration of any provision of law repealed by this part shall be available for expenditure by the Interstate Commerce Commission for any objects of expenditure authorized by this part, in the discretion of the Interstate Commerce Commission, without regard to the requirement of apportionment under the Anti-Deficiency Act of February 27, 1906.

Funds available.

34 Stat. 48.
31 U. S. C. § 665.

“EXISTING ORDERS, RULES, TARIFFS, AND SO FORTH; PENDING MATTERS

“SEC. 322. (a) Notwithstanding the provisions of section 320, or any other provision of this part, all orders, rules, regulations, permits, tariffs (including rates, fares, charges, classifications, rules, and regulations relating thereto), contracts, or agreements, to the extent that they were issued, authorized, approved, entered into, or filed under any provision of law repealed by this part, and are still in effect, shall continue in force and effect according to the terms thereof as though this part had not been enacted, except that the Commission may modify, set aside, or rescind any such order, rule, regulation, permit, tariff, contract, or agreement to the extent that it finds the same to be in violation of any provision of this part or inconsistent with the national transportation policy declared in this Act.

Continuance of certain orders, etc.
Ante, p. 950.

Exception.

“(b) Any proceeding, hearing, or investigation commenced or pending before the United States Maritime Commission at the time this section takes effect, to the extent that it relates to the administra-

Proceedings, hearings, or investigations.

tion of any provision of law repealed by this part, shall be continued or otherwise acted upon by the Commission as though such proceeding, hearing, or investigation had been instituted under the provisions of this part.

Judicial proceed-
ings.

"(c) Any pending judicial proceeding arising under any provision of law repealed by the provisions of this part shall be continued, heard, and determined in the same manner and with the same effect as if this part had not been enacted; except that in the case of any such proceeding to which the United States Maritime Commission is a party, the court, upon motion or supplemental petition, may direct that the Commission be substituted for the United States Maritime Commission as a party to the proceeding or made an additional party thereto.

"SEPARABILITY OF PROVISIONS

Separability of pro-
visions.

"SEC. 323. If any provision of this part or the application thereof to any person, or commerce, or circumstance is held invalid, the remainder of the part and the application of such provision to other persons, or commerce, or circumstances shall not be affected thereby."

TIME EFFECTIVE

Time effective.

SEC. 202. Part III of the Interstate Commerce Act shall take effect on the date of the enactment of this Act, except that sections 304 (c), 305 to 308, inclusive, 309 (a) and (f), 313 to 318, inclusive, 320, 321, and 322 shall take effect on the 1st day of January 1941: *Provided, however,* That the Interstate Commerce Commission shall, if found by it necessary or desirable in the public interest, by general or special order postpone the taking effect of any of the provisions above enumerated to such time, but not beyond the 1st day of April 1942, as the Commission shall prescribe.

Proviso.
Postponement per-
mitted.

TITLE III—MISCELLANEOUS

PART I—INVESTIGATION OF VARIOUS MODES OF TRANSPORTATION

Board of investiga-
tion and research.
Composition.

SEC. 301. There is hereby established a board of investigation and research (hereinafter referred to as the "Board") to be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, for the period of the existence of the Board as hereinafter provided. Not more than two members of said Board shall be members of the same political party. The President shall designate the member to act as Chairman of the Board and the Board may elect another of its members as Vice Chairman, who shall act as Chairman in the case of absence or incapacity of the Chairman. A majority of the Board shall constitute a quorum and the powers conferred upon the Board by this section may be exercised by a majority vote of its members. A vacancy on the Board shall not affect the powers of the remaining members to execute the functions of the Board, and shall be filled in the same manner as the original selection. The members of the Board shall receive compensation at the rate of \$10,000 per annum, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the exercise of the functions vested in the Board. Carriers by railroad, motor carriers, and water carriers shall be permitted to provide free transportation and other carrier service to the Board and its employees while traveling on official business, regardless of any provisions in the Interstate Commerce Act, as amended, restricting such carriers from furnishing free transportation or service.

Compensation of
members.

Free transporta-
tion, etc.

24 Stat. 379.
49 U. S. C., ch. 1;
Supp. V, ch. 1.

SEC. 302. (a) It shall be the duty of the Board to investigate—

(1) the relative economy and fitness of carriers by railroad, motor carriers, and water carriers for transportation service, or any particular classes or descriptions thereof, with the view of determining the service for which each type of carrier is especially fitted or unfitted; the methods by which each type can and should be developed so that there may be provided a national transportation system adequate to meet the needs of the commerce of the United States, of the Postal Service and of the national defense;

Investigations.
Economy and fitness of carriers.

(2) the extent to which right-of-way or other transportation facilities and special services have been or are provided from public funds for the use, within the territorial limits of the continental United States, of each of the three types of carriers without adequate compensation, direct or indirect, therefor, and the extent to which such carriers have been or are aided by donations of public property, payments from public funds in excess of adequate compensation for services rendered in return therefor, or extensions of Government credit; and

Right-of-way, etc., facilities.

(3) the extent to which taxes are imposed upon such carriers by the United States, and the several States, and by other agencies of government, including county, municipal, district, and local agencies.

Extent taxes are imposed.

(b) The Board is further authorized, in its discretion, to investigate or consider any other matter relating to rail carriers, motor carriers, or water carriers, which it may deem important to investigate for the improvement of transportation conditions and to effectuate the national transportation policy declared in the Interstate Commerce Act, as amended.

Improvement of transportation.

24 Stat. 379.
49 U. S. C., ch. 1;
Supp. V, ch. 1.

SEC. 303. The Board is authorized to employ, without regard to the civil service laws or the Classification Act, 1923, as amended, a secretary who shall receive compensation at the rate of \$7,500 per annum and a general counsel who shall receive compensation at the rate of \$9,000 per annum; and to employ, without regard to the civil service laws, a clerk to each member of the Board. The Board is also authorized to employ such experts, assistants, special agents, examiners, attorneys, and other employees as in its judgment may be necessary for the performance of its duties, and is authorized to utilize the services, information, facilities, and personnel of the various departments and agencies of the Government to the extent that such services, information, facilities, and personnel, in the opinion of such departments and agencies, can be furnished without undue interference with the performance of the work and duties of such departments and agencies.

Secretary, general counsel, etc.
42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

Experts and other employees.

Utilization of Government agencies.

SEC. 304. (a) The Board and its agents shall at all times have access to all accounts, records, and memoranda of the carriers and to their properties, and it shall be the duty of the carriers to furnish the Board or its agents such information and reports as it may desire in investigating any matter within the scope of its duties.

Accessibility of accounts, records, and memoranda.

(b) For the purpose of carrying out the provisions of this part the Board may seek information from such sources and conduct its investigations in such manner as it deems advisable in the interest of a correct ascertainment of the facts, and the Board and its examiners shall be entitled to exercise the same powers with respect to conducting hearings and requiring the attendance of witnesses and the production of books, papers, correspondence, memoranda, contracts, agreements, or other records and documents as are conferred upon the Interstate Commerce Commission and its examiners by sections 17 and 12 of the Interstate Commerce Act, as amended, and the provisions of paragraphs (3), (4), and (7) of section 12 of such Act shall be applicable

Information from other sources.

Ante, pp. 910, 913.

to all persons summoned by subpoena or otherwise to attend and testify or to produce books, papers, correspondence, memoranda, contracts, agreements, or other records and documents before the Board.

Preliminary reports,
etc., to the President
and to Congress.

Annual report, etc.

Termination.

SEC. 305. On or before May 1, 1941, the Board shall transmit to the President and to the Congress preliminary reports of the studies and investigations carried on by it, together with such findings and recommendations as it is by that time prepared to make. In addition to such preliminary reports the Board shall submit to the President and to the Congress an annual report, a final report, and such other reports as it may deem necessary, of the studies and investigations carried out by it pursuant to the provisions of this section, together with its findings and recommendations based thereon.

SEC. 306. This part shall cease to have effect at the end of two years after its enactment unless extended by a proclamation of the President for an additional period which shall not exceed two years.

PART II—RATES ON GOVERNMENT TRAFFIC

GOVERNMENT TO PAY FULL RATES

Government to pay
full rates.
Ante, p. 900.

Exception.

Transportation of
U. S. mail.

Provisos.
Mail contracts.

Advertising for bids.

If carrier a grantee
of lands from U. S.

Release of claim
against U. S.

Issuance of patents
to lands.

SEC. 321. (a) Notwithstanding any other provision of law, but subject to the provisions of sections 1 (7) and 22 of the Interstate Commerce Act, as amended, the full applicable commercial rates, fares, or charges shall be paid for transportation by any common carrier subject to such Act of any persons or property for the United States, or on its behalf, except that the foregoing provision shall not apply to the transportation of military or naval property of the United States moving for military or naval and not for civil use or to the transportation of members of the military or naval forces of the United States (or of property of such members) when such members are traveling on official duty; and the rate determined by the Interstate Commerce Commission as reasonable therefor shall be paid for the transportation by railroad of the United States mail: *Provided, however*, That any carrier by railroad and the United States may enter into contracts for the transportation of the United States mail for less than such rate: *Provided further*, That section 3709, Revised Statutes (U. S. C., 1934 edition, title 41, sec. 5), shall not hereafter be construed as requiring advertising for bids in connection with the procurement of transportation services when the services required can be procured from any common carrier lawfully operating in the territory where such services are to be performed.

(b) If any carrier by railroad furnishing such transportation, or any predecessor in interest, shall have received a grant of lands from the United States to aid in the construction of any part of the railroad operated by it, the provisions of law with respect to compensation for such transportation shall continue to apply to such transportation as though subsection (a) of this section had not been enacted until such carrier shall file with the Secretary of the Interior, in the form and manner prescribed by him, a release of any claim it may have against the United States to lands, interests in lands, compensation, or reimbursement on account of lands or interests in lands which have been granted, claimed to have been granted, or which it is claimed should have been granted to such carrier or any such predecessor in interest under any grant to such carrier or such predecessor in interest as aforesaid. Such release must be filed within one year from the date of the enactment of this Act. Nothing in this section shall be construed as requiring any such carrier to reconvey to the United States lands which have been heretofore patented or certified to it, or to prevent the issuance of patents confirming the title to such lands as the Secretary

of the Interior shall find have been heretofore sold by any such carrier to an innocent purchaser for value or as preventing the issuance of patents to lands listed or selected by such carrier, which listing or selection has heretofore been fully and finally approved by the Secretary of the Interior to the extent that the issuance of such patents may be authorized by law.

DEDUCTION OF OVERPAYMENTS

SEC. 322. Payment for transportation of the United States mail and of persons or property for or on behalf of the United States by any common carrier subject to the Interstate Commerce Act, as amended, or the Civil Aeronautics Act of 1938, shall be made upon presentation of bills therefor, prior to audit or settlement by the General Accounting Office, but the right is hereby reserved to the United States Government to deduct the amount of any overpayment to any such carrier from any amount subsequently found to be due such carrier.

Deduction of overpayments.

24 Stat. 379.
49 U. S. C., ch. 1;
Supp. V, ch. 1.
52 Stat. 973.
49 U. S. C., Supp.
V, ch. 9.

PART III—AMENDMENTS TO RECONSTRUCTION FINANCE CORPORATION ACT

SEC. 331. (a) Section 5 of the Reconstruction Finance Corporation Act, as amended, is amended by amending that portion of the third sentence, of the third paragraph, which precedes the last proviso in such sentence to read as follows: "Within the foregoing limitations of this section, the Corporation, notwithstanding any limitation of law as to maturity, with the approval of the Interstate Commerce Commission, including approval of the price to be paid, may, to aid in the financing, reorganization, consolidation, maintenance, or construction thereof, purchase for itself, or for account of a railroad obligated thereon, the obligations of railroads engaged in interstate commerce, or of receivers or trustees thereof, including equipment trust certificates, or guarantee the payment of the principal of, and/or interest on, such obligations, including equipment trust certificates, or, when, in the opinion of the Corporation, funds are not available on reasonable terms through private channels, make loans, upon full and adequate security, to such railroads or to receivers or trustees thereof for the purposes aforesaid: *Provided*, That in the case of loans to or the purchase or guarantee of obligations, including equipment trust certificates, of railroads not in receivership or trusteeship, the Interstate Commerce Commission shall, in connection with its approval thereof, also certify that such railroad, on the basis of present and prospective earnings, may reasonably be expected to meet its fixed charges, without a reduction thereof through judicial reorganization, except that such certificate shall not be required in case of such loans, purchases, or guaranties made for the maintenance of, or purchase of equipment for, such railroads: *Provided further*, That for the purpose of determining the general funds of the Corporation available for further loans or commitments, such guaranties shall, to the extent of the principal amount of the obligations guaranteed, be interpreted as loans or commitments for loans: *And provided further*, That the total amount of loans and commitments to railroads, receivers, and trustees, and purchases and guaranties of obligations of railroads, under this paragraph, as amended, shall not exceed at any one time \$500,000,000, in addition to loans and commitments made prior to January 31, 1935, and renewals of loans and commitments so made:"

Purchase of railroad obligations.
47 Stat. 6.
15 U. S. C. § 605;
Supp. V, § 605.

Loans.

Provisos.
Purchase or guarantee of obligations.

Guaranties to be interpreted as loans, etc.

Maximum amount.

(b) Such section 5, as amended, is further amended by adding at the end of the third paragraph thereof the following sentence: "The title of any owner, whether as trustee or otherwise, to any property leased or conditionally sold to a railroad, or a receiver or trustee

Title to property leased, etc., to railroad financed by R. F. C.

47 Stat. 1474.
11 U. S. C. § 205;
Supp. V, § 205.

30 Stat. 544.
11 U. S. C.; Supp. V.

49 Stat. 2.
15 U. S. C., Supp. V,
§ 605m.

thereof, which the Corporation has financed, or in the financing of which the Corporation has aided, any right of such owner to take possession of such property in compliance with the provisions of any such lease or conditional sales contract, and the title of any owner of a collateral note evidencing a loan from the Corporation to a railroad not now in receivership or involved in proceedings under section 77 of the Bankruptcy Act, or a receiver or trustee thereof, and the right of any such owner to acquire title to the collateral securing such note, free and clear of any equity of redemption, in compliance with the contract of pledge, and thereafter to deal with the same as the absolute owner thereof, shall not be affected, restricted, or restrained by or pursuant to the provisions of the Act of July 1, 1898, entitled 'An Act to establish a uniform system of bankruptcy throughout the United States', as amended, or by or pursuant to any other provision of law applicable to any proceedings thereunder."

(c) The first sentence of section 3 of the Act approved January 31, 1935 (49 Stat., ch. 2, pp. 1-2), is hereby amended by striking out "January 31, 1945" and inserting in lieu thereof "January 31, 1955".

Approved, September 18, 1940.

[CHAPTER 723]

AN ACT

September 18, 1940
[S. 4165]
[Public, No. 786]

To authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes.

Navy.
Public work proj-
ects.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized to proceed with the construction of the following public work projects at a cost not to exceed the amount stated after each item enumerated:

Third naval district: Graving drydock and accessory construction in New York Harbor, including acquisition of site, \$10,000,000.

Caribbean area: Graving drydock and accessory construction, including acquisition of site, \$7,500,000.

First naval district: Improvements to South Boston drydock, \$6,180,000.

Appropriation au-
thorized.
Post, p. 972.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act.

Approved, September 18, 1940.

[CHAPTER 724]

AN ACT

September 21, 1940
[S. 2991]
[Public, No. 787]

To authorize the Secretary of the Navy to accept on behalf of the United States certain lands in the city of National City, California.

National City,
Calif.
Acceptance of cer-
tain lands by U. S.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized on behalf of the United States to accept from the city of National City, California, without cost to the United States, all right, title, and interest of the said city in and to the following-described area of tide and submerged lands:

All lands situated on the National City side of the San Diego Bay, lying between the line of the mean high tide line and the pierhead line in said bay, as the same has been or may hereafter be established by the Federal Government, and between the prolongation into the Bay of San Diego, to the pierhead line of the boundary line between the city of National City and the city of San Diego

Description.

and a prolongation into the Bay of San Diego to the pierhead line of the southerly line of the street commonly known as Seventh Street, containing approximately ninety-six and forty-two one-hundredths acres of tidelands, and more particularly described as all or any portion or portions of those tidelands, situated in the city of National City, San Diego County, State of California, commencing at a concrete monument on the northerly line of National City, designated as U. S. C. & G. S. point numbered 49; thence south seventy-one degrees forty-three minutes fifteen seconds west along said northerly line a distance of seventy-two and one-tenth feet to a concrete monument on the mean high tide line of San Diego Bay, the true point of beginning; thence south forty-eight degrees sixteen minutes east two hundred and sixty-seven and fifty-eight one-hundredths feet; thence south seventy-three degrees fifty-four minutes east one hundred and seventy-nine and four-tenths feet; thence south forty-nine degrees fifty-three minutes thirty-four seconds east two hundred and sixty-one and ninety-five one-hundredths feet; thence south sixty-four degrees five minutes forty-four seconds east four hundred and four and ninety-five one-hundredths feet; thence south forty-nine degrees two minutes fourteen seconds east one hundred and forty-nine and sixty-four one-hundredths feet; thence south sixty-two degrees forty-one minutes fifty-three seconds east two hundred and fifty-one and eighty-one one-hundredths feet; thence south thirty-six degrees thirty-nine minutes eight seconds east two hundred and six and twenty-nine one-hundredths feet; thence south thirty-seven degrees forty-eight minutes forty-one seconds east one thousand and ninety-five and six-tenths feet; thence south sixty-three degrees three minutes fifty-nine seconds west two thousand and ninety-four and two-tenths feet to the bulkhead line of San Diego Bay; thence north twenty-six degrees fifty-six minutes one second west along said bulkhead line two thousand seven hundred and twenty-two and two-tenths feet to an intersection with the westerly prolongation of the northerly line of National City; thence north seventy-one degrees forty-three minutes fifteen seconds east along said northerly line one thousand and eighty-six and sixty-seven one-hundredths feet to the point of beginning, excepting and reserving therefrom a roadway approximately one hundred feet in width along the easterly side.

SEC. 2. The Secretary is authorized to accept title to the above-described tract from the city of National City, California, upon the following conditions recited in the city of National City, California, Resolution Numbered 2024:

That the conveyance shall be subject to any and all existing leases on the aforesaid property or tidelands.

That the city of National City may reserve perpetual easements for laying and maintaining sewers and drains across any and all of the above-described land wherever necessary and convenient.

That the above-described tract shall be used for military purposes of the United States and particularly for the purpose of establishing and maintaining thereon piers, landings, buildings, and structures to be used by the United States Navy.

SEC. 3. The acceptance by the Secretary of the Navy of the transfer or quitclaim by the city of National City of any of the lands herein mentioned shall not be construed as a relinquishment by the United States of its claim of title or interest in said land in any manner arising.

SEC. 4. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, September 21, 1940.

Conditions of acceptance.

Existing leases.

Easements.

Military and naval use.

U. S. claim of title.

Right reserved.

[CHAPTER 725]

JOINT RESOLUTION

September 24, 1940
[H. J. Res. 596]
[Pub. Res., No. 98]

To authorize Commander Howard L. Vickery to hold the office of a member of the United States Maritime Commission.

U. S. Maritime
Commission.
Comdr. Howard L.
Vickery authorized to
hold office as member.

Compensation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of law contrary hereto or inconsistent herewith, Commander Howard L. Vickery, being a commissioned officer on the active list, United States Navy, is authorized to hold the office of a member of the United States Maritime Commission without loss of or prejudice to his status as a commissioned officer on the active list of the United States Navy, and if appointed to such civil office he shall receive, in addition to his pay and allowances as such commissioned officer, an amount equal to the difference between such pay and allowances as such commissioned officer and the salary prescribed by law for such civil office.

Approved, September 24, 1940.

[CHAPTER 726]

JOINT RESOLUTION

September 24, 1940
[H. J. Res. 607]
[Pub. Res., No. 99]

Making additional appropriations for the Military Establishment for the fiscal year ending June 30, 1941.

Military Establish-
ment.
Additional appro-
priations.

Military posts.
Ante, pp. 360, 704;
post, p. 967.

Acquisition of land.
Ante, pp. 361, 705.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Military Establishment for the fiscal year ending June 30, 1941, namely:

Military Posts: For construction and installation of buildings, flying fields, and appurtenances thereto, including the acquisition of land, rights appertaining thereto, leasehold and other interests therein, and temporary use thereof, without regard to the provisions of Sections 355, 1136, and 3648, Revised Statutes, as amended (10 U. S. C. 1339; 40 U. S. C. 255; 31 U. S. C. 529), \$329,519,902.

Acquisition of Land: For acquisition of land, including rights pertaining thereto, leasehold and other interests therein, and temporary use thereof, without regard to the provisions of Sections 355, 1136, and 3648, Revised Statutes, as amended, (10 U. S. C. 1339; 40 U. S. C. 255; 31 U. S. C. 529), \$8,744,000.

Approved, September 24, 1940.

[CHAPTER 727]

AN ACT

September 24, 1940
[H. R. 10026]
[Public, No. 788]

To provide for the disposition of certain photographed records of the United States Government, and for other purposes.

Disposition of pho-
tographed, etc., U. S.
records.

Preservation, etc.,
of photographs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any agency of the United States Government shall have photographed or microphotographed all or any part of the records kept by or in the agency in a manner and on film that complies with the minimum standards of quality approved for permanent photographic records by the National Bureau of Standards, and whenever such photographs or microphotographs shall be placed in conveniently accessible files and provision made for preserving, examining, and using the same, the head of such agency may, with the approval of the Archivist of the United States, cause the original records from which the photographs or microphotographs have been made or any part thereof to be dis-

posed of according to methods prescribed by law, provided records of the same specific kind in the particular agency have been previously authorized for disposition by Congress.

SEC. 2. Photographs or microphotographs of any record photographed or microphotographed as herein provided shall have the same force and effect as the originals thereof would have had, and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated copies of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.

Approved, September 24, 1940.

Force and effect of photographs, etc.

Admissibility in evidence of certified, etc., copies.

[CHAPTER 728]

AN ACT

Authorizing the Secretary of the Interior to issue patents for lands held under color of title.

September 24, 1940
[H. R. 10176]
[Public, No. 789]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if within five years after passage of this Act it shall be shown to the satisfaction of the Secretary of the Interior that a tract or tracts of public land in Monroe County in the State of Michigan, not exceeding in the aggregate one hundred and sixty acres, has or have been held in good faith and in peaceable, adverse possession by a citizen of the United States, his ancestors or grantors, for more than twenty years prior to the approval of this Act under claim or color of title, and that improvements have been placed on such land or some part thereof has been reduced to cultivation, the Secretary shall, upon the payment of \$1.25 per acre, cause a patent or patents to issue for such land to any such citizen: *Provided*, That the term "citizen", as used herein, shall be held to include a corporation organized under the laws of the United States or any State or Territory thereof: *Provided further*, That coal and all other minerals contained therein are hereby reserved to the United States; that said coal and other minerals shall be subject to sale or disposal by the United States under applicable leasing and mineral land laws, and permittees, lessees, or grantees of the United States shall have the right to enter upon said lands for the purpose of prospecting for and mining such deposits.

Approved, September 24, 1940.

Michigan.
Issuance of patents for certain lands held under color of title.

Price per acre.

Provisos.
"Citizen" defined.

Mineral rights reserved.

[CHAPTER 729]

AN ACT

To extend the age limits for applicants for appointment as midshipmen at the United States Naval Academy.

September 24, 1940
[H. R. 10438]
[Public, No. 790]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter all candidates for admission to the Naval Academy must be not less than seventeen years of age nor more than twenty-one years of age on April 1 of the calendar year in which they enter the academy: *Provided*, That for entrance in the year 1941, the minimum age shall be not less than sixteen years.

SEC. 2. All laws or parts of laws inconsistent with this Act are hereby repealed to the extent of such inconsistency.

Approved, September 24, 1940.

U. S. Naval Academy.
Age limits for candidates for admission.

Proviso.
Minimum age for entrance in 1941.

Repeal.

[CHAPTER 730]

JOINT RESOLUTION

September 24, 1940
[H. J. Res. 445]
[Pub. Res., No. 100]

To establish a Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson.

Two Hundredth Anniversary of the Birth of Thomas Jefferson.
Commission established.

Composition.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a Commission to be known as the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson (hereinafter referred to as the Commission), and to be composed of nineteen commissioners, as follows:

The President of the United States; presiding officer of the Senate; and the Speaker of the House of Representatives, ex officio; eight persons to be appointed by the President of the United States; four Senators by the President pro tempore of the Senate; and four Representatives by the Speaker of the House of Representatives. The Commissioners shall serve without compensation and shall select a chairman from among their number.

Appropriation authorized.
Post, p. 1037.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to be expended by the Commission in accordance with the provisions of this joint resolution.

Duty of Commissioners.

SEC. 3. That it shall be the duty of the Commissioners, after promulgating to the American people an address relative to the reason of its creation and of its purpose, to prepare a plan or plans and a program for the signaling of the event, to commemorate which they are brought into being; and to give due and proper consideration to any plan or plans which may be submitted to them; and to take such steps as may be necessary in the coordination and correlation of plans prepared by State commissioners, or by bodies created under appointment by the Governors of the respective States and by representative civic bodies; and if the participation of other nations in the commemoration be deemed advisable, to communicate with governments of such nations.

Plan of celebration.

SEC. 4. That when the Commission shall have approved of a plan of celebration, then it shall submit for their consideration and approval such plan or plans, insofar as it or they may relate to the fine arts, to the Commission of Fine Arts in Washington, for their approval, and in accordance with statutory requirements.

Employment of personnel.

SEC. 5. That the Commission, after selecting a chairman and a vice chairman from among their members, may employ a secretary and such other assistants as may be needed for clerical work connected with the duties of the Commission and may also engage the services of expert advisors; and may fix their respective compensations within the amount appropriated for such purposes.

Traveling, etc., expenses.

SEC. 6. The Commissioners shall receive no compensation for their services, but shall be paid their actual and necessary traveling, hotel, and other expenses incurred in the discharge of their duties, out of the amount appropriated.

Report to Congress.
Post, p. 1227.

SEC. 7. The Commission shall, on or before the 1st of January 1941, make a report to the Congress in order that enabling legislation may be enacted.

Expiration of Commission.

SEC. 8. That the Commission hereby created shall expire upon the completion of its duties but not later than April 13, 1945.

When joint resolution effective.

SEC. 9. This joint resolution shall take effect immediately.

Approved, September 24, 1940.

[CHAPTER 733]

AN ACT

Granting the consent of Congress to the State of Michigan to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between Saint Ignace, Michigan, and the Lower Peninsula of Michigan.

September 25, 1940
[S. 1379]
[Public, No. 791]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of Michigan to construct, maintain, and operate a bridge, or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac, at a point suitable to the interests of navigation, at or near a point between Saint Ignace, Michigan, and the Lower Peninsula of Michigan, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Michigan.
Bridges authorized
across Straits of Mac-
kinac.

34 Stat. 84.
33 U. S. C. §§ 491-
498.

Application of tolls
to operation, sinking
fund, etc.

SEC. 2. If tolls are charged for the use of such bridge or series of bridges, causeways, and approaches thereto, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge or series of bridges, causeways, and approaches thereto, under economical management and to provide a sinking fund sufficient to amortize the cost of the bridge or series of bridges, causeways, and approaches thereto, including at a rate not to exceed 5 per centum per annum interest and reasonable financing cost, as soon as possible under reasonable charges, but within a period of not to exceed thirty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge or series of bridges, causeways, and approaches thereto, shall thereafter be maintained and operated free of tolls. An accurate record of the costs of the bridge or series of bridges, causeways, and approaches thereto, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Maintenance as free
bridge after amortiz-
ing costs, etc.

Record of expendi-
tures, costs, and re-
ceipts.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Right reserved.

Approved, September 25, 1940.

[CHAPTER 734]

AN ACT

To provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes.

September 26, 1940
[H. R. 10361]
[Public, No. 792]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth paragraph of section 5d of the Reconstruction Finance Corporation Act, as amended, is hereby amended by renumbering subsections "(1)" and "(2)" thereof "(2)" and "(3)", respectively, and inserting therein the following new subsection:

Reconstruction Fi-
nance Corporation
Act, amendments.
Ante, p. 573.

"(1) To assist in the development of the resources, the stabilization of the economies, and the orderly marketing of the products of the countries of the Western Hemisphere by supplying funds, not to exceed \$500,000,000 outstanding at any one time, to the Export-Import Bank of Washington, through loans to, or by subscriptions to preferred stock of, such bank, to enable such bank, to make loans to any governments, their central banks, or any other acceptable banking institutions and, when guaranteed by any such government, a central bank, or any other acceptable banking institution, to a political subdivision, agency, or national of any such government,

Lending authority
of Export-Import
Bank.

Loans to govern-
ments, etc., of West-
ern Hemisphere.

Proviso.
Loans not to be in violation of international law.
31 U. S. C. § 804a.
Ante, p. 4.
22 U. S. C., Supp. V, §§ 245j-245j-19.

Terms, etc., of loans.

Ante, p. 573.

Increase of outstanding obligations authorized.

Ante, p. 38.
15 U. S. C., Supp. V, § 713b.

notwithstanding any other provisions of law insofar as they may restrict or prohibit loans or other extensions of credit to, or other transactions with, the governments of the countries of the Western Hemisphere or their agencies or nationals: *Provided*, That no such loans shall be made in violation of international law as interpreted by the Department of State, or of the Act of April 13, 1934 (48 Stat. 574), or of the Neutrality Act of 1939. Upon the written request of the Federal Loan Administrator, with the approval of the President, the bank is authorized, subject to such conditions and limitations as may be set forth in such request or approval, to exercise the powers and perform the functions herein set forth. Such loans may be made and administered in such manner and upon such terms and conditions as the bank may determine."

SEC. 2. Section 5d of the Reconstruction Finance Corporation Act, as amended, is hereby amended by adding at the end thereof the following new paragraph:

"The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized to issue and have outstanding at any one time under existing law is hereby increased by \$1,500,000,000."

SEC. 3. That section 9 of the Act approved January 31, 1935 (49 Stat. 4), as amended, is hereby amended by (a) striking out "June 30, 1941" and inserting in lieu thereof "January 22, 1947"; (b) deleting from the first proviso thereof the figure "\$200,000,000" and inserting in lieu thereof the figure "\$700,000,000"; and (c) striking out the second proviso thereof.

Approved, September 26, 1940.

[CHAPTER 735]

AN ACT

September 27, 1940
[S. 3929]
[Public, No. 793]

To extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Memphis, Tennessee.

Mississippi River.
Time extended for bridging, at Memphis, Tenn.

53 Stat. 1338.

Right reserved.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Mississippi River, at or near Memphis, authorized to be built by the Memphis and Arkansas Bridge Commission by an Act of Congress approved August 10, 1939, are hereby extended one and three years, respectively, from August 10, 1940.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, September 27, 1940.

[CHAPTER 736]

AN ACT

October 4, 1940
[H. R. 9688]
[Public, No. 794]

To provide for the advancement on the retired list of any officer of the Navy or Marine Corps retired pursuant to the provisions of section 13 or 15 (e) of the Act of June 23, 1938.

Navy or Marine Corps officers.
Retired pay.

34 U. S. C., Supp. V, §§ 398a, 687.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any officer of the Navy or Marine Corps who has heretofore been placed on the retired list pursuant to the provisions of section 13 or 15 (e) of the Act of June 23, 1938 (52 Stat. 944), or both of such sections, shall receive the retired pay of a rear admiral of the upper half.

Approved, October 4, 1940.

[CHAPTER 742]

AN ACT

To further amend section 13a of the National Defense Act so as to authorize officers detailed for training and duty as aircraft observers to be so rated, and for other purposes.

October 4, 1940
[H. R. 9898]
[Public, No. 795]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. The fourth and fifth provisos of section 13a of the National Defense Act as amended by section 2 of the Act of July 2, 1926 (44 Stat. 781), and the sixth proviso of said Act as amended by section 2 of the Act of July 2, 1926 (44 Stat. 781), and section 3 of the Act of June 16, 1936 (49 Stat. 1524), including the two provisos added by the Act last-mentioned, are further amended to read as follows: "*Provided further*, That in order to insure that the commissioned officers of the Air Corps shall be properly qualified flying officers and, for the purpose of giving officers of the Army an opportunity so to qualify, the Secretary of War is hereby authorized to detail officers to the Air Corps for training as flying officers, and such officers shall start flying training immediately upon being so detailed: *Provided further*, That nothing in this Act shall be construed to limit the number of officers who may be detailed to the Air Corps for training as flying officers: *Provided further*, That the limitation on the number of officers of the several branches of the Army who may be required by competent authority to participate regularly and frequently in aerial flights imposed by section 20 of the Act of June 10, 1922 (42 Stat. 632), as amended by section 6 of the Act of July 2, 1926 (44 Stat. 782), shall not apply to officers of the several branches of the Army detailed to the Air Corps for training and duty as aircraft observers or as other members of combat crews: *Provided further*, That flying units shall in all cases be commanded by flying officers who have received aeronautical ratings as pilots of service types of aircraft and who are commissioned in the Air Corps, or qualified permanent general officers of the line who have received aeronautical ratings as pilots of service types of aircraft: *Provided further*, That a flying officer is defined as one who has received an aeronautical rating as a pilot of service types of aircraft or one who has received an aeronautical rating as an aircraft observer or as any other member of a combat crew under such regulations as the Secretary of War may prescribe."

National Defense Act, amendment.
Army Air Corps.
10 U. S. C. §§ 291b, 291c; Supp. V, § 291c.

Provisos.
Detail of officers for flying training.

Number.

Participation in aerial flights.
Nonapplicability of designated limitation.

10 U. S. C. § 292.

Command of flying units.

Flying officer defined.

Repeal.

SEC. 2. Such laws and parts of laws as may be inconsistent with the foregoing are hereby repealed.

Approved, October 4, 1940.

[CHAPTER 743]

AN ACT

To provide for the burial and funeral expenses of deceased veterans of the Regular Establishment who were discharged for disability incurred in the service in line of duty, or in receipt of pension for service connected disability.

October 5, 1940
[H. R. 7731]
[Public, No. 796]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of paragraph II of Veterans Regulations Numbered 9 (a), as amended, is hereby amended to read as follows:

"II. Where an honorably discharged veteran of any war, a veteran of any war in receipt of pension or compensation, a veteran discharged from the Army, Navy, Marine Corps, or Coast Guard for disability incurred in line of duty, or a veteran of the Army, Navy, Marine Corps, or Coast Guard in receipt of pension for service connected

Deceased veterans.
Burial and funeral expenses.
Post, p. 1193.

disability dies after discharge, the Administrator, in his discretion and with due regard to the circumstances in each case, shall pay, for burial and funeral expenses and transportation of the body (including preparation of the body) to the place of burial, a sum not exceeding \$100 to cover such items and to be paid to such person or persons as may be prescribed by the Administrator."

Approved, October 5, 1940.

[CHAPTER 744]

AN ACT

October 5, 1940
[H. R. 9989]
[Public, No. 797]

Authorizing the Administrator of Veterans' Affairs to grant an easement in certain land to the city of Memphis, Tennessee, for street-widening purposes.

Memphis, Ten-
nessee.
Easement for street-
widening purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is authorized and directed to grant an easement to the city of Memphis, Tennessee, for street-widening purposes, in a strip of land along the western boundary of the Veterans' Administration facility in such city, described as follows:

Description.

Part of the homestead lot and the north part of lot 50 of the Barnett Graham subdivision, beginning at the point in the south property line of Lamar Avenue, ten feet east of the east property line of Dudley Street, running thence south and parallel to the proposed new center line of Dudley Street, as widened, a distance of six hundred and twenty-two and one-tenth feet; thence continuing southwardly a distance of one hundred and fifty-one and one-tenth feet to a point, which said point is seven and two-tenths feet east of the old east property line of Dudley Street; thence west a distance of seven and two-tenths feet to a point in the old east property line of Dudley Street; thence north with the old east property line of Dudley Street, a distance of seven hundred and seventy-three and one-tenth feet to a point in the south property line of Lamar Avenue; thence east with the south property line of Lamar Avenue a distance of ten feet to the point of beginning, containing an area of approximately eight thousand three hundred and fifty-three square feet, and being all of that property lying within the described limits twenty-eight and five-tenths feet east of the new center line of Dudley Street.

Conditions.

SEC. 2. Such grant shall be conditioned upon the approval by the proper authorities of the city of Memphis of an agreement to (a) construct a concrete wall with stone coping along the facility limits on Dudley Street in accordance with specifications to be furnished by the Administrator of Veterans' Affairs so as to provide a wall identical with the one now existing along the Lamar Boulevard, (b) move the existing chain link fence and gates, and place the fence on top of the wall, (c) move and replant such trees and shrubs as have to be removed from their present locations, replace such trees as will not stand moving and replace any such trees and shrubs that do not survive, and (d) restore all areas within the reservation affected by this work as nearly as possible to their original condition including any necessary sodding; all without expense to the United States. The easement authorized by this Act shall contain the express reservation that should the land cease to be used for street-widening purposes then all right, title, and interest therein shall immediately revert to and revest in the United States.

Reservation.

Approved, October 5, 1940.

[CHAPTER 745]

AN ACT

To amend section 4021 of the Revised Statutes and to repeal section 4023 of the Revised Statutes relating to establishment of postal agencies.

October 5, 1940
[H. R. 9991]
[Public, No. 798]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4021 of the Revised Statutes (39 U. S. C., sec. 672) is amended to read as follows:

Postal Service.
R. S. § 4021, amend-
ment.

"SEC. 4021. The Postmaster General may establish postal agencies at such foreign seaports or airports at which United States mail steamers or airships touch to land and receive mails, as may in his judgment promote the efficiency of the foreign mail service; and he may pay the postal agents employed thereat a reasonable compensation for their services, in addition to the necessary expenses for office rent, office furniture, clerk hire, and incidental expenses."

Establishment of
postal agencies at for-
eign seaports, etc.

Compensation of
postal agents.

SEC. 2. Section 4023 of the Revised Statutes (39 U. S. C., sec. 674) is hereby repealed.

Repeal.

Approved, October 5, 1940.

[CHAPTER 746]

AN ACT

To authorize the Administrator of Veterans' Affairs to grant an easement in a small strip of land at Veterans' Administration Facility, Los Angeles, California, to the county of Los Angeles, California, for sidewalk purposes.

October 5, 1940
[H. R. 10287]
[Public, No. 799]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to grant an easement for sidewalk purposes to the county of Los Angeles, State of California, in the following-described property located at Veterans' Administration Facility, Los Angeles, California:

Los Angeles, Cali-
fornia.
Easement for side-
walk purposes.

The southerly ten feet of lot 1, block 23, of the subdivision of Rancho San Jose de Buenos Ayres, as shown on map recorded in book 26, pages 19 and the following, of Miscellaneous Records of the County of Los Angeles, this property being a strip of land ten feet in width abutting the north line of Wilshire Boulevard and extending between the east street line of Veteran Avenue and the west street line of Gayley Avenue.

Description.

The easement authorized by this Act shall contain the express reservation that should the land cease to be used for sidewalk purposes then all right, title, and interest therein shall immediately revert to and revest in the United States.

Reservation.

Approved, October 5, 1940.

[CHAPTER 756]

AN ACT

Making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

October 8, 1940
[H. R. 10572]
[Public, No. 800]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the national defense for the fiscal year ending June 30, 1941, namely:

Third Supple-
mental National De-
fense Appropriation
Act, 1941.

Title IV, Military
Appropriation Act,
1941.
Ante, pp. 350, 352.

TITLE I—WAR DEPARTMENT

MILITARY ACTIVITIES

Additional appro-
priations.

For additional amounts for appropriations for the Military Establishment, fiscal year 1941, to be supplemental to, and merged with, the appropriations under the same heads in the Military Appropriation Act, 1941, including the objects and subject to the limitations and conditions specified therein except as otherwise provided herein, and for all purposes necessary to carry into effect the provisions of the Act of August 27, 1940 (Public Resolution Numbered 96, Seventy-sixth Congress), authorizing the President to order members and units of reserve components into active military service, and of the Selective Training and Service Act of 1940 (Public, Numbered 783, Seventy-sixth Congress), as follows:

Ante, p. 350.

Ante, p. 358.

Ante, p. 385.

Ante, p. 352.

CONTINGENCIES OF THE ARMY

For contingencies of the Army, \$10,000.

GENERAL STAFF CORPS

Ante, p. 353.

MILITARY INTELLIGENCE ACTIVITIES

For military intelligence activities, \$100,000.

Ante, p. 353.

FIELD EXERCISES

For special field exercises, \$22,313,909.

ADJUTANT GENERAL'S DEPARTMENT

Ante, p. 354.

WELFARE OF ENLISTED MEN

For welfare of enlisted men, \$2,572,594.

FINANCE DEPARTMENT

Ante, p. 354.

PAY OF THE ARMY

Pay of the Army.

Ante, p. 385.

Provisos.
Appropriation not
subject to designated
limitations.

Participation in ae-
rial flights, limitation.

42 Stat. 632.
10 U. S. C. § 292.

Ante, p. 356.

For pay of the Army, including not more than eight hundred thousand selective trainees under the provisions of the Selective Training and Service Act of 1940, and including not to exceed \$345,000 for the employment of civilian clerks at military headquarters, \$280,174,562: *Provided*, That this appropriation shall not be subject to any limitation on the enlisted strength of the Army, on the number of retired officers who may be called to active duty, on the number of medical officers entitled to aviation increase, nor on the number of assistant superintendents of the Army Nurse Corps: *Provided further*, That, exclusive of officers of the Army Air Corps, including those assigned thereto for training, the number of officers of the Army who may be required to participate regularly and frequently in aerial flights during the fiscal year 1941 shall not exceed 5 per centum of the total authorized commissioned strength of the Army, notwithstanding the provisions of section 20, Act of June 10, 1922, as amended.

TRAVEL OF THE ARMY

For travel of the Army, including travel of dependents of retired warrant officers, retired enlisted men of the first three grades, and enlisted men of the first three grades of the Regular Army Reserve, when such warrant officers or enlisted men are ordered to active duty and upon relief therefrom, \$21,138,331.

EXPENSES OF COURTS MARTIAL

Ante, p. 357.

For expenses of courts martial, \$60,000.

FINANCE SERVICE

Ante, p. 357.

For finance service, Army, \$1,220,890.

QUARTERMASTER CORPS

SUBSISTENCE OF THE ARMY

Ante, p. 357.

For subsistence of the Army, \$82,858,520.

REGULAR SUPPLIES OF THE ARMY

Ante, p. 358.

For regular supplies of the Army, \$10,565,985.

CLOTHING AND EQUIPAGE

Ante, p. 358.

For clothing and equipage, \$165,262,093.

INCIDENTAL EXPENSES

Ante, p. 359.

For incidental expenses of the Army, including not to exceed \$40,000 for activities of chaplains (excluding ritual garments and personal services), \$8,843,752.

ARMY TRANSPORTATION

Ante, p. 359.

For Army transportation, including packing and crating and transportation of authorized baggage of retired warrant officers, retired enlisted men, and enlisted men of the Regular Army Reserve when ordered to active duty and upon relief therefrom, without limitation as to the amount of this appropriation which may be expended for purchase or exchange of passenger-carrying vehicles, or for purchase or construction, alteration, operation, and repair of boats, and including not to exceed \$800,000 for cost of converting into transports and equipping two vessels under construction by the United States Maritime Commission, \$174,549,843.

HORSES, DRAFT, AND PACK ANIMALS

Ante, p. 360.

For horses, draft, and pack animals, \$3,366,340.

MILITARY POSTS

Ante, p. 360.

For military posts, \$29,500,000, which sum shall be restored to the Emergency fund for the President, created by the Military Appropriation Act, 1941, in reimbursement of a like amount advanced therefrom: *Provided*, That the appropriation under this title contained in Public Resolution Numbered 99, approved September 24, 1940, shall be available for all the objects and subject to the limitations and conditions specified under the same head in the Military Appropriation Act, 1941, except as otherwise provided therein: *Provided further*, That the last two provisos under this heading in title I of the Second Supplemental National Defense Appropriation Act, 1941 (Public, Numbered 781, Seventy-sixth Congress), are amended to read as follows: "*Provided further*, That the Secretary of War may, with respect to contracts for public works for the Military Establishment, whether or not for construction at military posts, entered into upon a cost-plus-a-fixed-fee basis out of funds appropriated for the

Reimbursement.

Ante, p. 377.

Provisos.
Availability of funds.
Ante, p. 958.

Ante, p. 360.

Amendments.

Ante, p. 873.

Contracts for public works.
Waiver of certain bond requirements.

40 U. S. C., Supp.
V, § 270a.
Limitation on fixed
fee.

Monthly reports to
chairmen of desig-
nated Congressional
Committees.

fiscal year 1941 or authorized to be entered into prior to July 1, 1941, waive the requirements as to performance and payment bonds of the Act approved August 24, 1935 (49 Stat. 793; 40 U. S. C. 270a): *Provided further*, That the fixed fee to be paid the contractor as a result of any contract for public works entered into on or after September 9, 1940, for the construction and installation of buildings, utilities, and appurtenances at military posts shall not exceed 6 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of War.”: *Provided further*, That the Secretary of War and Secretary of the Navy shall submit monthly, within ten days following the last day of each month, commencing on or before November 10, 1940, to the respective chairmen of the Committees on Military and Naval Affairs and Appropriations of the Senate and House of Representatives a report where such Secretaries are respectively concerned of (1) all cost-plus-a-fixed-fee contracts concluded within the period embraced by each report, and (2) of all land acquisitions accomplished within such periods, such reports to show (1) as to cost-plus-a-fixed-fee contracts the object or objects thereof, the name and place of business of the contractor, the estimated cost of the contract exclusive of the fee, the amount of the fee, and the date of the contract, and (2) as to land acquisitions the location, area, intended use, the purchase price, the amount appropriated therefor, and the assessed value (first reports shall cover the period July 1 to October 31, 1940).

Ante, p. 362.

BARRACKS AND QUARTERS AND OTHER BUILDINGS AND UTILITIES

For barracks and quarters and other buildings and utilities, \$33,717,489.

Ante, p. 363.

CONSTRUCTION AND REPAIR OF HOSPITALS

For construction and repair of hospitals, \$1,729,357.

SIGNAL CORPS

Ante, p. 363.

SIGNAL SERVICE OF THE ARMY

For signal service of the Army, \$11,242,208.

AIR CORPS

Ante, p. 364.

AIR CORPS, ARMY

Travel of officers,
etc., by air.

Transportation of
new aircraft.

Contracts.

For Air Corps, Army, \$109,995,957, which sum may be used for the travel of officers and enlisted men of the Air Corps by air in connection with the administration of this appropriation, including travel by air or rail required in connection with the transportation of new aircraft from factory to first destination; and, in addition, the Chief of Air Corps, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, in an amount not in excess of \$60,000,000 for the purposes for which this appropriation is available.

Ante, p. 364.

The paragraph under the heading “Air Corps, Army”, appearing in the Military Appropriation Act, 1941, is hereby amended by striking therefrom the words and figures “\$76,205,988 shall be available under the appropriation ‘Air Corps, Army, 1940,’” and inserting in lieu thereof the words and figures “\$32,205,988 shall be available under the appropriation ‘Air Corps, Army, 1939–1940’ and \$44,000,000 under the appropriation ‘Air Corps, Army, 1940’ ”.

MEDICAL DEPARTMENT, ARMY

MEDICAL AND HOSPITAL DEPARTMENT

Ante, p. 366.

For Medical and Hospital Department, Army, \$46,766,288.

CORPS OF ENGINEERS

ENGINEER SERVICE, ARMY

Ante, p. 367.

For Engineer Service, Army, \$4,008,992.

ORDNANCE DEPARTMENT

ORDNANCE SERVICE AND SUPPLIES, ARMY

Ante, p. 367.

For ordnance service and supplies, Army, including not to exceed \$150,000 for the services of such consultants as the Secretary of War may deem necessary at rates of pay to be fixed by him, not to exceed \$50 per day, and for their necessary traveling expenses, \$36,441,426.

CHEMICAL WARFARE SERVICE

Ante, p. 368.

For Chemical Warfare Service, Army, \$1,879,454.

CHIEF OF INFANTRY

INFANTRY SCHOOL, FORT BENNING, GEORGIA

Ante, p. 369.

For Infantry School, Fort Benning, Georgia, \$14,320.

CHIEF OF CAVALRY

INSTRUCTION IN CAVALRY ACTIVITIES

Ante, p. 369.

For instruction in Cavalry Activities, \$26,245.

ARMORED FORCE

INSTRUCTION IN ARMORED FORCE ACTIVITIES

For supplies, services, and other expenses essential in conducting instruction of the Army in armored force activities, \$296,121.

CHIEF OF FIELD ARTILLERY

INSTRUCTION IN FIELD ARTILLERY ACTIVITIES

Ante, p. 369.

For instruction in Field Artillery Activities, \$45,750.

CHIEF OF COAST ARTILLERY

COAST ARTILLERY SCHOOL, FORT MONROE, VIRGINIA

Ante, p. 369.

For Coast Artillery School, Fort Monroe, Virginia, \$16,940.

SEACOAST DEFENSES

Ante, p. 369.

For seacoast defenses, general, \$309,000.

NATIONAL GUARD

Ante, p. 371.
Reduction in appro-
priation for National
Guard.
Reappropriation.

The appropriation for the National Guard contained in the Military Appropriation Act for the fiscal year 1941 is reduced by the following amounts, which are reappropriated and transferred for use under the following heads, subject to the same authority, limitations, and conditions applicable to said appropriations except as modified in this Act:

Ante, p. 354. Pay of the Army, \$12,188,343;
Ante, p. 356. Travel of the Army, \$38,000;
Ante, p. 358. Clothing and equipage, \$45,000;
Ante, p. 359. Incidental expenses, \$2,521,337;
Ante, p. 359. Army transportation, \$127,612;
Ante, p. 364. Air Corps, Army, \$840,000;
Ante, p. 367. Engineer Service, Army, \$30,000;
Ante, p. 367. Ordnance service and supplies, \$2,000,000;
In all, \$17,790,292.

Ante, p. 373.

ORGANIZED RESERVES

Provisos.
Flight training.

Ante, p. 374.
Availability of
funds.

For Organized Reserves, \$86,161,608: *Provided*, That this appropriation shall be available for flight training of officers of the Officers' Reserve Corps without regard to any limitation as to such training in the Military Appropriation Act, 1941: *Provided further*, That regardless of the limitation heretofore imposed, funds appropriated for Organized Reserves for the fiscal year 1941 shall be available for the pay and allowances of members of the Officers' Reserve Corps who may have been or may hereafter be given flight training and detailed as officer navigators, officer bombardiers, officer bombardier-observers and officer balloon observers with combat units of the Air Corps.

Ante, p. 374.

RESERVE OFFICERS' TRAINING CORPS

Motor-transport
and tank units.

Funds appropriated under this title may be used for the establishment and maintenance of additional motor-transport and tank units in the Reserve Officers' Training Corps, notwithstanding any limitation in the Military Appropriation Act, 1941.

Ante, p. 375.

Ante, p. 602.

EXPEDITING PRODUCTION

Ante, p. 874.

Contracts.

For an additional amount for expediting production, including the same objects and subject to the same conditions and limitations specified under this head in the Second Supplemental National Defense Appropriation Act, 1941, \$88,000,000; and, in addition, the Secretary of War, upon the recommendation of the Advisory Commission of the Council of National Defense, and with the approval of the President, is authorized to enter into contracts prior to July 1, 1941, for the same purposes to an amount not exceeding \$90,000,000.

SELECTIVE SERVICE SYSTEM

Operation and
maintenance.

Ante, pp. 885, 897.

For the operation and maintenance of the Selective Service System as authorized by the Selective Training and Service Act of 1940 (Public, Numbered 783, Seventy-sixth Congress), including personal services in the District of Columbia and elsewhere, lawbooks, periodicals, and books of reference, payment of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses of persons serving while away from their homes, without other compensation from the United States, in an advisory capacity to the Director of Selective Service; and purchase and

exchange, and hire, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles, including one automobile (at a cost not exceeding \$1,500) for the Director of Selective Service, \$24,825,108, to remain available until June 30, 1942: *Provided*, That the travel of persons engaged in the administration of the Selective Service System, including commissioned, warrant, or enlisted personnel of the Army, Navy, Marine Corps, or their reserve components, may be ordered by the Director or by such persons as he may authorize, and persons so traveling shall be entitled to transportation and subsistence or per diem in lieu of subsistence, at rates authorized by law.

Proviso.
Travel.

MILITARY AND CIVIL ADMINISTRATIVE EXPENSES

The Secretary of War is authorized to employ such additional personnel at the seat of government and elsewhere, and to provide out of any appropriations available for the Military Establishment for their salaries and for such printing and binding, communication service, and supplies as he may deem necessary to carry out the purposes of this Act (the amount for personal services at the seat of government, other than for field-service employees, shall not exceed one-half of 1 per centum of the total amount of cash appropriated for the Army by this Act: *Provided*, That the amount authorized in the Military Appropriation Act, 1941, for expenses or compensation of persons who serve in an advisory capacity to the Secretary of War is increased from \$50,000 to \$150,000.

Additional personnel, etc.

Limitation.

Proviso.
Expenses, etc., of persons serving in advisory capacity.
Ante, p. 350.

Citation of title.

SEC. 101. This title may be cited as "Title IV, Military Appropriation Act, 1941".

TITLE II—CIVIL FUNCTIONS, WAR DEPARTMENT

Title II, War Department Civil Appropriation Act, 1941.

For additional amounts for appropriations for civil functions administered by the War Department, fiscal year 1941, to be supplemental to, and merged with, the appropriations under the same heads in the War Department Civil Appropriation Act, 1941, including the objects and subject to the limitations and conditions specified therein except as otherwise provided herein, as follows:

Ante, pp. 505, 601.

QUARTERMASTER CORPS

CEMETERIAL EXPENSES

Ante, p. 505.

For cemeterial expenses, \$779,554.

SEC. 201. This title may be cited as "Title II, War Department Civil Appropriation Act, 1941".

Citation of title.

TITLE III—NAVY DEPARTMENT

Title V of the Naval Appropriation Act for the fiscal year 1941: *Ante*, p. 265.
Additional appropriations.

For additional amounts for appropriations for the Navy Department and the naval service, fiscal year 1941, to be supplemental, and, in addition, to the appropriations in the Naval Appropriation Act for the fiscal year ending June 30, 1941, including the objects and subject to the limitations and conditions specified therein, except the limitations suspended by Act approved June 28, 1940 (Public, Numbered 671, Seventy-sixth Congress), and except as otherwise provided herein, as follows:

Ante, p. 265.

Ante, p. 676.

NAVAL ESTABLISHMENT

Ante, p. 265.

OFFICE OF THE SECRETARY

Miscellaneous ex-
penses.

Miscellaneous expenses: For an additional amount for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department for the fiscal year 1941, \$165,000.

Services of experts.

Not to exceed \$5,000 of the appropriation "Miscellaneous expenses, 1941", shall be available in the discretion of the Secretary of the Navy, for the payment of the services of experts now engaged on a survey and study of the methods of transacting the business of the Navy Department.

Ante, pp. 272, 876.

BUREAU OF SHIPS

Maintenance, Bureau of Ships: For the same objects specified under the appropriations or portions of appropriations transferred to and consolidated under this head in accordance with section 1 (h) of the Act approved June 20, 1940 (Public, Numbered 644, Seventy-sixth Congress), \$11,000,000.

Ante, p. 403.

BUREAU OF ORDNANCE

Ordnance and ordnance stores: For the manufacture and procurement of antiaircraft batteries for auxiliary vessels now being acquired and those to be acquired for naval use including labor, material, and personal services for the manufacture and procurement of ordnance material including ammunition in connection therewith and including additional equipment, tools, and facilities at ordnance stations or private plants for the production, handling, and storage of like ordnance material and ammunition for both combatant and auxiliary vessels, \$36,000,000.

Ante, p. 274.

BUREAU OF SUPPLIES AND ACCOUNTS

Maintenance, Bureau of Supplies and Accounts, \$400,000.

Reserve material, Navy: For an additional amount for reserve material, Navy, including the same objects specified under this head in the Naval Appropriation Act for the fiscal year 1940 and in title III of the Naval Appropriation Act for the fiscal year 1941, \$700,000, to remain available until expended.

53 Stat. 757.
Ante, p. 605.*Ante*, p. 279.

BUREAU OF YARDS AND DOCKS

Ante, p. 280.

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS

Public works and
public utilities proj-
ects.

Toward the following public works and public utilities projects, including the purchase of necessary land, at a cost not to exceed the amount stated for each project, respectively, \$9,500,000, which amount, together with unexpended balances of appropriations herein and heretofore made under this head, shall be disbursed and accounted for in accordance with existing law and shall constitute one fund:

Third naval district.
Ante, p. 956.

Third naval district: Graving drydock and accessory construction, New York Harbor, \$10,000,000.

Naval Supply De-
pot, Bayonne, N. J.

Naval Supply Depot, Bayonne, New Jersey, area: Fleet supply facilities, including buildings and accessories, and acquisition of land, \$5,000,000.

Naval Air Station, Corpus Christi, Texas: Additional facilities, including the acquisition of land, \$3,000,000.

Naval Air Station,
Corpus Christi, Tex.

Naval Training Station, Great Lakes, Illinois: The project under the head of "Public Works, Bureau of Yards and Docks" for improvement of sewage disposal system at the Naval Training Station, Great Lakes, Illinois, contained in the Second Supplemental National Defense Appropriation Act, 1941, is amended to read as follows: Improvement of sewage disposal system and extension of roads, walks, and services.

Naval Training Sta-
tion, Great Lakes, Ill.

Ante, p. 878.

The provisions of section 4 of the Act approved April 25, 1939 (53 Stat. 590-592), shall be applicable to all public works and public utilities projects provided in this title, regardless of location: *Provided*, That the fixed fee to be paid the contractor as a result of any contract hereafter entered into under the authority of the above mentioned Act shall not exceed 6 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of the Navy.

Cost-plus-a-fixed-fee
contracts.

Proviso.
Limitation on fixed
fee.
Ante, p. 877.

To enable the Secretary of the Navy to expedite the construction or provision of the public works and public utilities projects mentioned in this Act, the limit of cost indicated for each of such projects may, in the discretion of the Secretary of the Navy, be varied upward or downward by an amount not to exceed 10 per centum, but the aggregate of all such limits of cost shall not be exceeded.

Variance of limits of
cost.

BUREAU OF AERONAUTICS

Ante, p. 282.

Aviation, Navy, including plant expansions and facilities in private plants, \$15,000,000.

MARINE CORPS

Ante, p. 283.

PAY, MARINE CORPS

For an additional amount for pay of enlisted men, active list, and for pay and allowances of the Marine Corps Reserve, comprising the same objects specified under this head in title I of the Naval Appropriation Act for the fiscal year 1941, to carry out the provisions of the Selective Training and Service Act of 1940 (Public, Numbered 783, Seventy-sixth Congress), \$2,401,000.

Ante, p. 283.
Ante, p. 885.

NAVY DEPARTMENT

Salaries, Office of the Chief of Naval Operations, \$35,000.

Ante, p. 288.

Contingent expenses, \$50,000.

Ante, p. 289.

Printing and binding, \$50,000.

Ante, p. 290.

Contingent and miscellaneous expenses, Hydrographic Office, including purchase of five additional offset presses, \$100,000.

Ante, p. 290.

SEC. 301. During the remainder of the fiscal year ending June 30, 1941, all retired officers of the Navy and Marine Corps, and retired officers and enlisted men of those services, shall, when on active duty, receive full pay and allowances.

Retired officers and
enlisted men.
Pay, etc., when on
active duty.

SEC. 302. This title may be cited as "Title V of the Naval Appropriation Act for the fiscal year 1941".

Citation of title.

TITLE IV—GENERAL PROVISIONS

SEC. 401. This Act may be cited as the "Third Supplemental National Defense Appropriation Act, 1941".

Short title.

Approved, October 8, 1940.

[CHAPTER 757]

AN ACT

To provide revenue, and for other purposes.

October 8, 1940
[H. R. 10413]
[Public, No. 801]

Second Revenue Act
of 1940.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Second Revenue Act of 1940".

TITLE I—CORPORATION INCOME TAX

SEC. 101. CORPORATION INCOME TAX.

Corporations in general.
53 Stat. 7, 863.
26 U. S. C., Supp.
V, § 13 (b).
Ante, p. 517.

53 Stat. 8, 78, 71, 98.
26 U. S. C., Supp.
V, §§ 14, 231 (a), 201-
208, 361-362.

Foreign corporations.
53 Stat. 8, 864.
26 U. S. C., Supp.
V, § 14 (e), § 14 (note).
Ante, p. 518.

Mutual investment companies.
53 Stat. 99, 886.
26 U. S. C., Supp.
V, § 362 (b).
Ante, p. 518.

Defense tax.
53 Stat. 9.
26 U. S. C., Supp.
V, § 15.
Ante, p. 520.

Supra...

Taxable years to which applicable.

(a) **TAX ON CORPORATIONS IN GENERAL.**—Section 13 (b) of the Internal Revenue Code, as amended by section 3 of the Revenue Act of 1940, is amended to read as follows:

"(b) **IMPOSITION OF TAX.**—There shall be levied, collected, and paid for each taxable year upon the normal-tax net income of every corporation the normal-tax net income of which is more than \$25,000 (except a corporation subject to the tax imposed by section 14, section 231 (a), Supplement G, or Supplement Q) whichever of the following taxes is the lesser:

"(1) **GENERAL RULE.**—A tax of $22\frac{1}{10}$ per centum of the normal-tax net income; or

"(2) **ALTERNATIVE TAX (CORPORATIONS WITH NORMAL-TAX NET INCOME SLIGHTLY MORE THAN \$25,000).**—A tax of \$3,775, plus 35 per centum of the amount of the normal-tax net income in excess of \$25,000."

(b) **TAX ON FOREIGN CORPORATIONS.**—Section 14 (c) (1) of the Internal Revenue Code, as amended by section 3 of the Revenue Act of 1940, is amended to read as follows:

"(c) **FOREIGN CORPORATIONS.**—

"(1) In the case of a foreign corporation engaged in trade or business within the United States or having an office or place of business therein, the tax shall be an amount equal to $22\frac{1}{10}$ per centum of the normal-tax net income, regardless of the amount thereof."

(c) **TAX ON MUTUAL INVESTMENT COMPANIES.**—Section 362 (b) of the Internal Revenue Code, as amended by section 3 of the Revenue Act of 1940, is amended to read as follows:

"(b) **IMPOSITION OF TAX.**—There shall be levied, collected, and paid for each taxable year upon the Supplement Q net income of every mutual investment company a tax equal to $22\frac{1}{10}$ per centum of the amount thereof."

(d) **DEFENSE TAX FOR FIVE YEARS.**—The first sentence of section 15 of the Internal Revenue Code, added to such Code by section 201 of the Revenue Act of 1940, is amended to read as follows: "In the case of any taxpayer, the amount of tax under this chapter for any taxable year beginning after December 31, 1939, and before January 1, 1945, shall be the tax computed without regard to this section, increased by 10 per centum; except that in the case of a corporation the increase shall be limited to 10 per centum of the tax computed without regard to the amendments made by section 101 (a), (b), and (c) of the Second Revenue Act of 1940."

(e) **TAXABLE YEARS TO WHICH APPLICABLE.**—Amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1939.

TITLE II—EXCESS PROFITS TAX

SEC. 201. EXCESS PROFITS TAX OF 1940.

The Internal Revenue Code is amended by inserting after section 706 the following new subchapter which may be cited as the “Excess Profits Tax Act of 1940”:

Excess Profits Tax
Act of 1940.
53 Stat. 117.
26 U. S. C., Supp. V.

“SUBCHAPTER E—EXCESS PROFITS TAX

“Part I

“SEC. 710. IMPOSITION OF TAX.

“(a) IMPOSITION.—There shall be levied, collected, and paid, for each taxable year beginning after December 31, 1939, on the adjusted excess profits net income, as defined in subsection (b), of every corporation (except a corporation exempt under section 727) a tax as follows:

Adjusted excess profits
net income.

Post, p. 988.

Rates.

“(1) Upon adjusted excess profits net incomes of less than \$20,000, 25 per centum of the adjusted excess profits net income.

“\$5,000 upon adjusted excess profits net incomes of \$20,000; and upon adjusted excess profits net incomes in excess of \$20,000, and not in excess of \$50,000, 30 per centum in addition of such excess.

“\$14,000 upon adjusted excess profits net incomes of \$50,000; and upon adjusted excess profits net incomes in excess of \$50,000, and not in excess of \$100,000, 35 per centum in addition of such excess.

“\$31,500 upon adjusted excess profits net incomes of \$100,000; and upon adjusted excess profits net incomes in excess of \$100,000, and not in excess of \$250,000, 40 per centum in addition of such excess.

“\$91,500 upon adjusted excess profits net incomes of \$250,000; and upon adjusted excess profits net incomes in excess of \$250,000, and not in excess of \$500,000, 45 per centum in addition of such excess.

“\$204,000 upon adjusted excess profits net incomes of \$500,000; and upon adjusted excess profits net incomes in excess of \$500,000, 50 per centum in addition of such excess.

“(2) APPLICATION OF RATES IN CASE OF CERTAIN EXCHANGES.—If the taxpayer's highest bracket amount for the taxable year computed under section 752 (relating to certain exchanges) is less than \$500,000, then in the application of paragraph (1) of this subsection to such taxpayer, in lieu of each amount, other than the percentages, specified in such paragraph, there shall be substituted an amount which bears the same ratio to the amount so specified as the highest bracket amount so computed bears to \$500,000.

Application of rates
in case of certain ex-
changes.
Post, p. 995.

“(b) DEFINITION OF ADJUSTED EXCESS PROFITS NET INCOME.—As used in this section, the term ‘adjusted excess profits net income’ in the case of any taxable year means the excess profits net income (as defined in section 711) minus the sum of:

“Adjusted excess
profits net income”
defined.

Post, p. 976.

“(1) SPECIFIC EXEMPTION.—A specific exemption of \$5,000;

“(2) EXCESS PROFITS CREDIT.—The amount of the excess profits credit allowed under section 712; and

Post, p. 973.

“(3) UNUSED EXCESS PROFITS CREDIT.—In the case of a taxpayer the normal-tax net income of which for the taxable year is not

more than \$25,000, the amount by which the excess profits credit for the preceding taxable year (if beginning after December 31, 1939) exceeds the excess profits net income for such preceding taxable year.

"SEC. 711. EXCESS PROFITS NET INCOME.

Taxable years after Dec. 31, 1939.

53 Stat. 7.
26 U. S. C., Supp. V, § 13 (note).

Post, p. 980.

Income taxes.

53 Stat. 35.
26 U. S. C., Supp. V, § 102.

Long-term gains and losses.

53 Stat. 14.
26 U. S. C., Supp. V, § 23 (D).
Income from retirement or discharge of bonds, etc.

Refunds and interest on Agricultural Adjustment Act taxes.
48 Stat. 31.
7 U. S. C., ch. 26; Supp. V, ch. 26.

Recoveries of bad debts.

Dividends received.

Post, p. 981.

Dividends received.

Interest.

Post, p. 984.

"(a) **TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1939.**—The excess profits net income for any taxable year beginning after December 31, 1939, shall be the normal-tax net income, as defined in section 13 (a) (2), for such year except that the following adjustments shall be made:

"(1) **EXCESS PROFITS CREDIT COMPUTED UNDER INCOME CREDIT.**—If the excess profits credit is computed under section 713, the adjustments shall be as follows:

"(A) **Income Taxes.**—The deduction for taxes shall be increased by an amount equal to the tax (not including the tax under section 102) under Chapter 1 for such taxable year;

"(B) **Long-term Gains and Losses.**—There shall be excluded long-term capital gains and losses. There shall be excluded the excess of gains from the sale or exchange of property held for more than eighteen months which is of a character which is subject to the allowance for depreciation provided in section 23 (1) over the losses from the sale or exchange of such property;

"(C) **Income From Retirement or Discharge of Bonds, and So Forth.**—There shall be excluded, in the case of any taxpayer, income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than eighteen months, including, in case the issuance was at a premium, the amount includible in income for such year solely because of such retirement or discharge;

"(D) **Refunds and Interest on Agricultural Adjustment Act Taxes.**—There shall be excluded income attributable to refund of tax paid under the Agricultural Adjustment Act of 1933, as amended, and interest upon any such refund;

"(E) **Recoveries of Bad Debts.**—There shall be excluded income attributable to the recovery of a bad debt if a deduction with reference to such debt was allowable from gross income for any taxable year beginning prior to January 1, 1940;

"(F) **Dividends Received.**—The credit for dividends received shall apply, without limitation, to dividends on stock of domestic corporations.

"(2) **EXCESS PROFITS CREDIT COMPUTED UNDER INVESTED CAPITAL CREDIT.**—If the excess profits credit is computed under section 714, the adjustments shall be as follows:

"(A) **Dividends Received.**—The credit for dividends received shall apply, without limitation, to all dividends on stock of all corporations, except dividends (actual or constructive) on stock of foreign personal-holding companies;

"(B) **Interest.**—The deduction for interest shall be reduced by an amount equal to 50 per centum of so much of such interest as represents interest on the indebtedness included in the daily amounts of borrowed capital (determined under section 719 (a));

"(C) **Income Taxes.**—The deduction for taxes shall be increased by an amount equal to the tax (not including the tax under section 102) under Chapter 1 for such taxable year;

"(D) **Long-term Gains and Losses.**—There shall be excluded long-term capital gains and losses. There shall be excluded the excess of gains from the sale or exchange of property held for more than eighteen months which is of a character which is subject to the allowance for depreciation provided in section 23 (1) over the losses from the sale or exchange of such property;

"(E) **Income From Retirement or Discharge of Bonds, and So Forth.**—There shall be excluded, in the case of any taxpayer, income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than eighteen months, including, in case the issuance was at a premium, the amount includible in income for such year solely because of such retirement or discharge;

"(F) **Refunds and Interest on Agricultural Adjustment Act Taxes.**—There shall be excluded income attributable to refund of tax paid under the Agricultural Adjustment Act of 1933, as amended, and interest upon any such refund;

"(G) **Interest on Certain Government Obligations.**—The normal-tax net income shall be increased by an amount equal to the amount of the interest on obligations held during the taxable year which are described in section 22 (b) (4) any part of the interest from which is excludible from gross income or allowable as a credit against net income, if the taxpayer has so elected under section 720 (d); and

"(H) **Recoveries of Bad Debts.**—There shall be excluded income attributable to the recovery of a bad debt if a deduction with reference to such debt was allowable from gross income for any taxable year beginning prior to January 1, 1940.

"(3) **TAXABLE YEAR LESS THAN TWELVE MONTHS.**—If the taxable year is a period of less than twelve months the excess profits net income shall be placed on an annual basis by multiplying the amount thereof by the number of days in the twelve months ending with the close of the taxable year and dividing by the number of days in the taxable year. The tax shall be such part of the tax computed on such annual basis as the number of days in the taxable year is of the number of days in the twelve months ending with the close of the taxable year.

"(b) **TAXABLE YEARS IN BASE PERIOD.**—

"(1) **GENERAL RULE AND ADJUSTMENTS.**—The excess profits net income for any taxable year subject to the Revenue Act of 1936 shall be the normal-tax net income, as defined in section 13 (a) of such Act; and for any other taxable year beginning after December 31, 1937, and before January 1, 1940, shall be the special-class net income, as defined in section 14 (a) of the applicable revenue law. In either case the following adjustments shall be made (for additional adjustments in case of certain reorganizations, see section 742 (e)):

"(A) **Income Taxes.**—The deduction for taxes shall be increased by an amount equal to the tax (not including the tax under section 102) for such taxable year under Title I or Chapter 1, as the case may be, of the revenue law applicable to such year;

Income taxes.

53 Stat. 35.
26 U. S. C., Supp.
V, § 102.

Long-term gains and losses.

53 Stat. 14.
26 U. S. C., Supp.
V, § 23 (7).
Income from retirement or discharge of bonds, etc.

Refunds and interest on Agricultural Adjustment Act taxes.
48 Stat. 31.
7 U. S. C., ch. 26; Supp. V, ch. 26.

Interest on certain Government obligations.

53 Stat. 10.
26 U. S. C., Supp.
V, § 22 (b) (4).

Post, p. 985.

Recoveries of bad debts.

Taxable year less than 12 months.

Taxable years in base period.
General rule and adjustments.
49 Stat. 1655.
26 U. S. C., Supp.
V, § 13 (note).

53 Stat. 8.
26 U. S. C., Supp.
V, § 14 (a).

Post, p. 993.

Income taxes.

53 Stat. 35.
26 U. S. C., Supp.
V, § 102.

Long-term gains and losses.

53 Stat. 14.
26 U. S. C., Supp.
V, § 23 (b).
Income from retirement or discharge of bonds, etc.

Deductions on account of retirement or discharge of bonds, etc.

53 Stat. 12.
26 U. S. C., Supp.
V, § 23 (a).

Casualty, demolition, etc., losses.
53 Stat. 13.
26 U. S. C., Supp.
V, § 23 (f).

Repayment of processing tax to vendees.
53 Stat. 12.
26 U. S. C., Supp.
V, § 23 (a).

48 Stat. 31.
7 U. S. C. ch. 26;
Supp. V, ch. 26.

Payment of judgments, etc.

“(B) Long-Term Gains and Losses.—There shall be excluded long-term capital gains and losses. There shall be excluded the excess of gains from the sale or exchange of property held for more than eighteen months which is of a character which is subject to the allowance for depreciation provided in section 23 (1) over the losses from the sale or exchange of such property;

“(C) Income From Retirement or Discharge of Bonds, and So Forth.—There shall be excluded, in the case of any taxpayer, income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than eighteen months, including, in case the issuance was at a premium, the amount includible in income for such year solely because of such retirement or discharge;

“(D) Deductions on Account of Retirement or Discharge of Bonds, and So Forth.—If during the taxable year the taxpayer retires or discharges any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than eighteen months, the following deductions for such taxable year shall not be allowed:

“(i) The deduction allowable under section 23 (a) for expenses paid or incurred in connection with such retirement or discharge;

“(ii) The deduction for losses allowable by reason of such retirement or discharge; and

“(iii) In case the issuance was at a discount, the amount deductible for such year solely because of such retirement or discharge;

“(E) Casualty, Demolition, and Similar Losses.—Deductions under section 23 (f) for losses arising from fires, storms, shipwreck, or other casualty, or from theft, or arising from the demolition, abandonment, or loss of useful value of property, not compensated for by insurance or otherwise, shall not be allowed;

“(F) Repayment of Processing Tax to Vendees.—The deduction under section 23 (a), for any taxable year, for expenses shall be decreased by an amount which bears the same ratio to the amount deductible on account of any repayment or credit by the corporation to its vendee of any amount attributable to any tax under the Agricultural Adjustment Act of 1933, as amended, as the excess of the aggregate of the amounts so deductible in the base period over the aggregate of the amounts attributable to taxes under such Act collected from its vendees which were includible in the corporation's gross income in the base period and which were not paid, bears to the aggregate of the amounts so deductible in the base period;

“(G) Payment of Judgments, and So Forth.—Deductions attributable to any claim, award, judgment, or decree against the taxpayer, or interest on any of the foregoing, shall not be allowed if in the light of the taxpayer's business it was abnormal for the taxpayer to incur a liability of such character or, if the taxpayer normally incurred such liability, the amount of such liability in the taxable year was grossly disproportionate to the amount of such liability in the four previous taxable years;

“(H) All expenditures for intangible drilling and development costs paid or incurred in or for the drilling of wells or the preparation of wells for the production of oil or gas, or expenditures for development costs in the case of mines, which the taxpayer has deducted from gross income as an expense, shall not be allowed to the extent that in the light of the taxpayer’s business it was abnormal for the taxpayer to incur a liability of such character or, if the taxpayer normally incurred such liability, to the extent that the amount of such liability in the taxable year was grossly disproportionate to the amount of such liability in the four previous taxable years; and

Oil or gas wells,
etc.

“(I) Dividends Received.—The credit for dividends received shall apply, without limitation, to dividends on stock of domestic corporations.

Dividends received.

“(2) CAPITAL GAINS AND LOSSES.—For the purposes of this subsection the normal-tax net income and the special-class net income referred to in paragraph (1) shall be computed as if section 23 (g) (2), section 23 (k) (2), and section 117 were part of the revenue law applicable to the taxable year the excess profits net income of which is being computed, with the exception that the net short-term capital loss carry-over provided in subsection (e) of section 117 shall be applicable to net short-term capital losses for taxable years beginning after December 31, 1934. Such exception shall not apply for the purposes of computing the tax under this subchapter for any taxable year beginning before January 1, 1941.

Capital gains and
losses.

53 Stat. 13, 50.
26 U. S. C., Supp.
V, §§ 23 (g) (2), (k)
(2), 117.

53 Stat. 52.
26 U. S. C., Supp.
V, § 117 (e).

“SEC. 712. EXCESS PROFITS CREDIT—ALLOWANCE.

“(a) DOMESTIC CORPORATIONS.—In the case of a domestic corporation which was in existence before January 1, 1940, the excess profits credit for any taxable year shall, at the election of the taxpayer made in its return for such taxable year, be an amount computed under section 713 or section 714. (For election in case of certain reorganizations of corporations not qualified under the preceding sentence, see section 741.) In the case of all other domestic corporations the excess profits credit for any taxable year shall be an amount computed under section 714. In the case of a domestic corporation which for any taxable year does not file a return before the expiration of the time prescribed by law for filing such return, the excess profits credit for such taxable year shall be an amount computed under section 714.

Domestic corpora-
tions.

Post, pp. 980, 981.

Post, p. 992.

Failure to file re-
turn.

“(b) FOREIGN CORPORATIONS.—In the case of a foreign corporation engaged in trade or business within the United States or having an office or place of business therein, the first taxable year of which under this subchapter begins on any date in 1940, which was in existence on the day forty-eight months prior to such date and which at any time during each of the taxable years in such forty-eight months was engaged in trade or business within the United States or had an office or place of business therein, the excess profits credit for any taxable year shall, at the election of the taxpayer in its return for such taxable year, be an amount computed under section 713 or section 714. In the case of all other such foreign corporations the excess profits credit for any taxable year shall be an amount computed under section 714. In the case of a foreign corporation which for any taxable year does not file a return before the expiration of the time prescribed by law for filing such return, the excess profits credit for such taxable year shall be an amount computed under section 714.

Foreign corpora-
tions.

Post, pp. 980, 981.

Failure to file re-
turn.

"SEC. 713. EXCESS PROFITS CREDIT—BASED ON INCOME.

Amount of excess
profits credit.

Domestic corpora-
tions.

Foreign corpora-
tions.

Average base period
net income.

"(a) **AMOUNT OF EXCESS PROFITS CREDIT.**—The excess profits credit for any taxable year, computed under this section, shall be—

"(1) **DOMESTIC CORPORATIONS.**—In the case of a domestic corporation—

"(A) 95 per centum of the average base period net income, as defined in subsection (b),

"(B) Plus 8 per centum of the net capital addition as defined in subsection (c), or

"(C) Minus 6 per centum of the net capital reduction as defined in subsection (c).

"(2) **FOREIGN CORPORATIONS.**—In the case of a foreign corporation, 95 per centum of the average base period net income.

"(b) **AVERAGE BASE PERIOD NET INCOME.**—For the purposes of this section the average base period net income of the taxpayer shall be determined as follows:

"(1) By computing the aggregate of the excess profits net income for each of the taxable years of the taxpayer beginning after December 31, 1935, and before January 1, 1940, reduced, in the case of each such taxable year in which the deductions plus the credit for dividends received exceeded the gross income, by the amount attributable to such excess under paragraph (4);

"(2) By dividing the amount ascertained under paragraph (1) by the total number of months in all such taxable years; and

"(3) By multiplying the amount ascertained under paragraph (2) by twelve.

"(4) For the purposes of paragraph (1)—

"(A) In determining whether, for any taxable year, the deductions plus the credit for dividends received exceeded the gross income, and in determining the amount of such excess, the adjustments provided in section 711 (b) (1) shall be made; and

"(B) The amount attributable to any taxable year in which there is such an excess shall be the amount of such excess, except that such amount shall be zero if there is only one such year, or, if more than one, shall be zero for the year in which such excess is the greatest.

"(5) For the purposes of paragraph (1), if the taxpayer was in existence during only part of the 48 months preceding the beginning of its first taxable year under this subchapter (hereinafter in this paragraph called "base period"), its excess profits net income—

"(A) for each taxable year of twelve months (beginning with the beginning of such base period) during which it was not in existence, shall be an amount equal to 8 per centum of the excess of—

"(i) the daily invested capital for the first day of the taxpayer's first taxable year beginning after December 31, 1939, over

"(ii) an amount equal to the same percentage of such daily invested capital as is applicable under section 720 in reduction of the average invested capital of the preceding taxable year;

"(B) for the taxable year of less than twelve months consisting of that part of the remainder of the base period during which it was not in existence, shall be the amount ascertained for a full year under subparagraph (A), multiplied by the number of days in such taxable year of less than

Ante, p. 977.

Post, p. 985.

twelve months and divided by the number of days in the twelve months ending with the close of such taxable year.

"(6) In no case shall the average base period net income be less than zero.

"(7) For computation of average base period net income in case of certain reorganizations, see section 742.

"(c) ADJUSTMENTS IN EXCESS PROFITS CREDIT ON ACCOUNT OF CAPITAL CHANGES.—For the purposes of this section—

"(1) The net capital addition for the taxable year shall be the excess, divided by the number of days in the taxable year, of the aggregate of the daily capital addition for each day of the taxable year over the aggregate of the daily capital reduction for each day of the taxable year.

"(2) The net capital reduction for the taxable year shall be the excess, divided by the number of days in the taxable year, of the aggregate of the daily capital reduction for each day of the taxable year over the aggregate of the daily capital addition for each day of the taxable year.

"(3) The daily capital addition for any day of the taxable year shall be the aggregate of the amounts of money and property paid in for stock, or as paid-in surplus, or as a contribution to capital, after the beginning of the taxpayer's first taxable year under this subchapter and prior to such day. In determining the amount of any property paid in, such property shall be included in an amount determined in the manner provided in section 718 (a) (2). A distribution by the taxpayer to its shareholders in its stock or rights to acquire its stock shall not be regarded as money or property paid in for stock, or as paid-in surplus, or as a contribution to capital. The amount ascertained under this paragraph shall be reduced by the excess, if any, of the excluded capital for such day over the excluded capital for the first day of the taxpayer's first taxable year under this subchapter. For the purposes of this paragraph the excluded capital for any day shall be an amount equal to the sum of the following:

"(A) The aggregate of the adjusted basis (for determining loss upon sale or exchange) as of the beginning of such day, of obligations held by the taxpayer at the beginning of such day, which are described in section 22 (b) (4) (A), (B), or (C) any part of the interest from which is excludible from gross income or allowable as a credit against net income; and

"(B) The aggregate of the adjusted basis (for determining loss upon sale or exchange) as of the beginning of such day, of stock of domestic corporations held by the taxpayer at the beginning of such day.

The daily capital addition shall in no case be less than zero. (For daily capital additions and reductions in case of certain reorganizations, see section 743.)

"(4) The daily capital reduction for any day of the taxable year shall be the aggregate of the amounts of distributions to shareholders, not out of earnings and profits, after the beginning of the taxpayer's first taxable year under this subchapter and prior to such day.

"SEC. 714. EXCESS PROFITS CREDIT—BASED ON INVESTED CAPITAL.

"The excess profits credit, for any taxable year, computed under this section, shall be an amount equal to 8 per centum of the taxpayer's invested capital for the taxable year, determined under section 715.

Post, p. 992.

Adjustments on account of capital changes.

Net capital addition.

Net capital reduction.

Daily capital addition.

Post, p. 982.

53 Stat. 10.
26 U. S. C., Supp.
V, § 22 (b) (4) (A),
(B), (C).

Minimum daily capital addition.

Post, p. 994.

Daily capital reduction.

Post, p. 982.

"SEC. 715. DEFINITION OF INVESTED CAPITAL.*Post*, p. 985.

53 Stat. 79; *post*, p. 987.
 26 U. S. C., Supp. V, § 251.

"For the purposes of this subchapter the invested capital for any taxable year shall be the average invested capital for such year, determined under section 716, reduced by an amount computed under section 720 (relating to inadmissible assets). If the Commissioner finds that in any case the determination of invested capital, on a basis other than a daily basis, will produce an invested capital differing by not more than \$1,000 from an invested capital determined on a daily basis, he may, under regulations prescribed by him with the approval of the Secretary, provide for such determination on such other basis. (For computation of invested capital in case of foreign corporations and corporations entitled to the benefits of section 251, see section 724.)

"SEC. 716. AVERAGE INVESTED CAPITAL.

"The average invested capital for any taxable year shall be the aggregate of the daily invested capital for each day of such taxable year, divided by the number of days in such taxable year.

"SEC. 717. DAILY INVESTED CAPITAL.*Post*, p. 984.

"The daily invested capital for any day of the taxable year shall be the sum of the equity invested capital for such day plus the borrowed invested capital for such day determined under section 719.

"SEC. 718. EQUITY INVESTED CAPITAL.

Definition.

"(a) **DEFINITION.**—The equity invested capital for any day of any taxable year shall be determined as of the beginning of such day and shall be the sum of the following amounts, reduced as provided in subsection (b)—

Money paid in.

"(1) **MONEY PAID IN.**—Money previously paid in for stock, or as paid-in surplus, or as a contribution to capital;

Property paid in.

"(2) **PROPERTY PAID IN.**—Property (other than money) previously paid in (regardless of the time paid in) for stock, or as paid-in surplus, or as a contribution to capital. Such property shall be included in an amount equal to its basis (unadjusted) for determining loss upon sale or exchange. If the property was disposed of before such taxable year, such basis shall be determined in the same manner as if the property were still held at the beginning of such taxable year. If such unadjusted basis is a substituted basis it shall be adjusted, with respect to the period before the property was paid in, in the manner provided in section 113 (b) (2);

53 Stat. 44.
 26 U. S. C., Supp. V, § 113 (b) (2).
 Distributions in stock.

"(3) **DISTRIBUTIONS IN STOCK.**—Distributions in stock—

"(A) Made prior to such taxable year to the extent to which they are considered distributions of earnings and profits; and

"(B) Previously made during such taxable year to the extent to which they are considered distributions of earnings and profits other than earnings and profits of such taxable year;

Earnings and profits.

"(4) **EARNINGS AND PROFITS AT BEGINNING OF YEAR.**—The accumulated earnings and profits as of the beginning of such taxable year; and

Gain on tax-free liquidation.

"(5) **INCREASE ON ACCOUNT OF GAIN ON TAX-FREE LIQUIDATION.**—

53 Stat. 43.
 26 U. S. C., Supp. V, § 113 (a) (15).
 53 Stat. 38.
 26 U. S. C., Supp. V, § 112 (b) (6).

In the case of the previous receipt of property (other than property described in the last sentence of section 113 (a) (15)) by the taxpayer in complete liquidation of another corporation under section 112 (b) (6), or the corresponding provision of a prior revenue law, an amount, with respect to each such liquidation,

equal to the amount by which the aggregate of the amount of the money so received and of the adjusted basis, at the time of receipt, of all property (other than money) so received, exceeds the sum of:

“(A) The aggregate of the adjusted basis of each share of stock with respect to which such property was received; such adjusted basis of each share to be determined immediately prior to the receipt of any property in such liquidation with respect to such share, and

“(B) The aggregate of the liabilities of such other corporation assumed by the taxpayer in connection with the receipt of such property, of the liabilities (not assumed by the taxpayer) to which such property so received was subject, and of any other consideration (other than the stock with respect to which such property was received) given by the taxpayer for such property so received.

“(b) **REDUCTION IN EQUITY INVESTED CAPITAL.**—The amount by which the equity invested capital for any day shall be reduced as provided in subsection (a) shall be the sum of the following amounts—

Reduction in equity invested capital.

“(1) **DISTRIBUTIONS IN PREVIOUS YEARS.**—Distributions made prior to such taxable year which were not out of accumulated earnings and profits;

Distributions in previous years.

“(2) **DISTRIBUTIONS DURING THE YEAR.**—Distributions previously made during such taxable year which are not out of the earnings and profits of such taxable year;

Distributions during the year.

“(3) **EARNINGS AND PROFITS OF ANOTHER CORPORATION.**—The earnings and profits of another corporation which previously at any time were included in accumulated earnings and profits by reason of a transaction described in section 112 (b) to (e), both inclusive, or in the corresponding provision of a prior revenue law, or by reason of the transfer by such other corporation to the taxpayer of property the basis of which in the hands of the taxpayer is or was determined with reference to its basis in the hands of such other corporation, or would have been so determined if the property had been other than money; and

Earnings and profits of another corporation.

53 Stat. 37-39.
26 U. S. C., Supp. V, § 112 (b)-(e).

“(4) **REDUCTION ON ACCOUNT OF LOSS ON TAX-FREE LIQUIDATION.**—In the case of the previous receipt of property (other than property described in the last sentence of section 113 (a) (15)) by the taxpayer in complete liquidation of another corporation under section 112 (b) (6), or the corresponding provision of a prior revenue law, an amount, with respect to each such liquidation, equal to the amount by which the sum of—

Loss on tax-free liquidation.

53 Stat. 43.
26 U. S. C., Supp. V, § 113 (a) (15).

53 Stat. 38.
26 U. S. C., Supp. V, § 112 (b) (6).

“(A) The aggregate of the adjusted basis of each share of stock with respect to which such property was received; such adjusted basis of each share to be determined immediately prior to the receipt of any property in such liquidation with respect to such share, and

“(B) The aggregate of the liabilities of such other corporation assumed by the taxpayer in connection with the receipt of such property, of the liabilities (not assumed by the taxpayer) to which such property so received was subject, and of any other consideration (other than the stock with respect to which such property was received) given by the taxpayer for such property so received,

exceeds the aggregate of the amount of the money so received and of the adjusted basis, at the time of receipt, of all property (other than money) so received. The amount of the reduction under this paragraph shall not exceed the accumulated earnings and profits as of the beginning of such taxable year.

Limitation.

Rules for application of subsections (a) and (b).
Distributions to shareholders.

Distributions in first 60 days of taxable year.

Computation of earnings, etc.
Ante, pp. 982, 983.

Stock in case of merger or consolidation.

Computation of property.

Post, p. 995.
Equity invested capital.
Post, p. 986.

Borrowed capital.

Outstanding indebtedness.

Post, p. 995.

Contracts with foreign governments.

Ante, p. 974; *post*, p. 1018.

“(c) RULES FOR APPLICATION OF SUBSECTIONS (A) AND (B).—For the purposes of subsections (a) and (b)—

“(1) DISTRIBUTIONS TO SHAREHOLDERS.—The term ‘distribution’ means a distribution by a corporation to its shareholders, and the term ‘distribution in stock’ means a distribution by a corporation in its stock or rights to acquire its stock. To the extent that a distribution in stock is not considered a distribution of earnings and profits it shall not be considered a distribution. A distribution in stock shall not be regarded as money or property paid in for stock, or as paid-in surplus, or as a contribution to capital.

“(2) DISTRIBUTIONS IN FIRST SIXTY DAYS OF TAXABLE YEAR.—In the application of such subsections to any taxable year beginning after December 31, 1940, so much of the distributions (taken in the order of time) made during the first sixty days thereof as does not exceed the accumulated earnings and profits as of the beginning thereof (computed without regard to this paragraph) shall be considered to have been made on the last day of the preceding taxable year.

“(3) COMPUTATION OF EARNINGS AND PROFITS OF TAXABLE YEAR.—For the purposes of subsections (a) (3) (B) and (b) (2) in determining whether a distribution is out of the earnings and profits of any taxable year, such earnings and profits shall be computed as of the close of such taxable year without diminution by reason of any distribution made during such taxable year or by reason of the tax under this subchapter for such year and the determination shall be made without regard to the amount of earnings and profits at the time the distribution was made.

“(4) STOCK IN CASE OF MERGER OR CONSOLIDATION.—If a corporation owns stock in another corporation, and—

“(A) such corporations are merged or consolidated in a statutory merger or consolidation, or

“(B) such corporations are parties to a transaction which results in the elimination of such stock in a manner similar to that resulting from a statutory merger or consolidation, then such stock shall not be considered as property paid in for stock of, or as paid-in surplus of, or as a contribution to capital of, the corporation resulting from the transaction referred to in subparagraph (A) or (B).

“(d) For special rules affecting computation of property paid in for stock in connection with certain exchanges and liquidations, see section 751 (a).

“(e) For determination of equity invested capital in special cases, see section 723.

“SEC. 719. BORROWED INVESTED CAPITAL.

“(a) BORROWED CAPITAL.—The borrowed capital for any day of any taxable year shall be determined as of the beginning of such day and shall be the sum of the following:

“(1) The amount of the outstanding indebtedness (not including interest, and not including indebtedness described in section 751 (b) relating to certain exchanges) of the taxpayer which is evidenced by a bond, note, bill of exchange, debenture, certificate of indebtedness, mortgage, or deed of trust, plus,

“(2) In the case of a taxpayer having a contract (made before the expiration of 30 days after the date of the enactment of the Second Revenue Act of 1940) with a foreign government to

furnish articles, materials, or supplies to such foreign government, if such contract provides for advance payment and for repayment by the vendor of any part of such advance payment upon cancellation of the contract by such foreign government, the amount which would be required to be so repaid if cancellation occurred at the beginning of such day, but no amount shall be considered as borrowed capital under this paragraph which has been includible in gross income.

“(b) **BORROWED INVESTED CAPITAL.**—The borrowed invested capital for any day of any taxable year shall be determined as of the beginning of such day and shall be an amount equal to 50 per centum of the borrowed capital for such day.

Borrowed invested capital.

“SEC. 720. ADMISSIBLE AND INADMISSIBLE ASSETS.

“(a) **DEFINITIONS.**—For the purposes of this subchapter—

“(1) The term ‘inadmissible assets’ means—

“(A) Stock in corporations except stock in a foreign personal-holding company; and

“(B) Except as provided in subsection (d), obligations described in section 22 (b) (4) any part of the interest from which is excludible from gross income or allowable as a credit against net income.

“(2) The term ‘admissible assets’ means all assets other than inadmissible assets.

Definitions.

“Inadmissible assets.”

Infra.
53 Stat. 10.
26 U. S. C., Supp.
V, § 22 (b) (4).

“Admissible assets.”

“(b) **RATIO OF INADMISSIBLES TO TOTAL ASSETS.**—The amount by which the average invested capital for any taxable year shall be reduced as provided in section 715 shall be an amount which is the same percentage of such average invested capital as the percentage which the total of the inadmissible assets is of the total of admissible and inadmissible assets. For such purposes, the amount attributable to each asset held at any time during such taxable year shall be determined by ascertaining the adjusted basis thereof (or, in the case of money, the amount thereof) for each day of such taxable year so held and adding such daily amounts. The determination of such daily amounts shall be made under regulations prescribed by the Commissioner with the approval of the Secretary. The adjusted basis shall be the adjusted basis for determining loss upon sale or exchange as determined under section 113.

Ratio of inadmissibles to total assets.

Ante, p. 982.

“(c) **COMPUTATION IF SHORT-TERM CAPITAL GAIN.**—If during the taxable year there has been a short-term capital gain with respect to an inadmissible asset, then so much of the amount attributable to such inadmissible asset under subsection (b) as bears the same ratio thereto as such gain bears to the sum of such gain plus the dividends and interest on such asset for such year, shall, for the purpose of determining the ratio of inadmissible assets to the total of admissible and inadmissible assets, be added to the total of admissible assets and subtracted from the total of inadmissible assets.

53 Stat. 40.
26 U. S. C., Supp. V,
§ 113.

Computation if short-term capital gain.

“(d) **TREATMENT OF GOVERNMENT OBLIGATIONS AS ADMISSIBLE ASSETS.**—If the excess profits credit for any taxable year is computed under section 714, the taxpayer may in its return for such year elect to increase its normal-tax net income for such taxable year by an amount equal to the amount of the interest on all obligations held during the taxable year which are described in section 22 (b) (4) any part of the interest from which is excludible from gross income or allowable as a credit against net income. In such case, for the purposes of this section, the term ‘admissible assets’ includes such obligations, and the term ‘inadmissible assets’ does not include such obligations.

Government obligations as admissible assets.

Ante, p. 981.

53 Stat. 10.
26 U. S. C., Supp. V,
§ 22 (b) (4).

"SEC. 721. ABNORMALITIES IN INCOME IN TAXABLE PERIOD.

Abnormalities in income.

"If there is includible in the gross income of the taxpayer for any taxable year an item of income of any one or more of the following classes:

"(a) Arising out of a claim, award, judgment, or decree, or interest on any of the foregoing; or

"(b) Constituting an amount payable under a contract the performance of which required more than 12 months; or

"(c) Resulting from exploration, discovery, prospecting, research, or development of tangible property, patents, formulae, or processes, or any combination of the foregoing, extending over a period of more than 12 months; or

"(d) Includible in gross income for the taxable year rather than for a different taxable year by reason of a change in the taxpayer's accounting period or method of accounting; or

"(e) In the case of a lessor of real property, amounts included in gross income for the taxable year by reason of the termination of the lease; or

"(f) Dividends on stock of foreign corporations, except foreign personal holding companies;

and, in the light of the taxpayer's business, it is abnormal for the taxpayer to derive income of such class, or, if the taxpayer normally derives income of such class, the item includible in the gross income of the taxable year is grossly disproportionate to the gross income of the same class in the four previous taxable years, then: (1) the amount of such item attributable to any previous taxable year or years shall be determined under rules and regulations prescribed by the Commissioner with the approval of the Secretary; (2) the amount of such item attributable to any future taxable year or years shall be determined under rules and regulations prescribed by the Commissioner with the approval of the Secretary and shall, for the purposes of this subchapter, be included in the gross income for the future year or years to which attributable; and (3) the tax under this subchapter for the taxable year (in which the whole of such item would, without regard to this section, be includible) shall not exceed the sum of:

"(A) The tax under this subchapter for such taxable year computed without the inclusion in gross income of the portion of such item which is attributable to any other taxable year, and

"(B) The aggregate of the increase in the tax under this subchapter which would have resulted for each previous taxable year to which any portion of such item is attributable, computed as if an amount equal to such portion had been included in gross income for such previous taxable year.

"SEC. 722. ADJUSTMENT OF ABNORMALITIES IN INCOME AND CAPITAL BY THE COMMISSIONER.

"For the purposes of this subchapter, the Commissioner shall also have authority to make such adjustments as may be necessary to adjust abnormalities affecting income or capital, and his decision shall be subject to review by the United States Board of Tax Appeals.

"SEC. 723. EQUITY INVESTED CAPITAL IN SPECIAL CASES.

Determination of equity invested capital.

Ante, p. 982

"Where the Commissioner determines that the equity invested capital as of the beginning of the taxpayer's first taxable year under this subchapter cannot be determined in accordance with section 718, the equity invested capital as of the beginning of such year shall

be an amount equal to the sum of (a) the money plus (b) the aggregate of the adjusted basis of the assets of the taxpayer held by the taxpayer at such time, such sum being reduced by the indebtedness outstanding at such time. The amount of the money, assets, and indebtedness at such time shall be determined in accordance with rules and regulations prescribed by the Commissioner with the approval of the Secretary. In such case, the equity invested capital for each day after the beginning of the taxpayer's first taxable year under this subchapter shall be determined, in accordance with rules and regulations prescribed by the Commissioner with the approval of the Secretary, using as the basic figure the equity invested capital as so determined.

"SEC. 724. FOREIGN CORPORATIONS AND CORPORATIONS ENTITLED TO BENEFITS OF SECTION 251—INVESTED CAPITAL.

"Notwithstanding section 715, in the case of a foreign corporation engaged in trade or business within the United States or having an office or place of business therein, and in the case of a corporation entitled to the benefits of section 251, the invested capital for any taxable year shall be determined in accordance with rules and regulations prescribed by the Commissioner with the approval of the Secretary, under which—

"(a) **GENERAL RULE.**—The daily invested capital for any day of the taxable year shall be the aggregate of the adjusted basis of each United States asset held by the taxpayer on the beginning of such day. In the application of section 720 in reduction of the average invested capital (determined on the basis of such daily invested capital), the terms 'admissible assets' and 'inadmissible assets' shall include only United States assets; or

"(b) **EXCEPTION.**—If the Commissioner determines that the United States assets of the taxpayer cannot satisfactorily be segregated from its other assets, the invested capital for the taxable year shall be an amount which is the same percentage of the aggregate of the adjusted basis of all assets held by the taxpayer as of the end of the last day of the taxable year which the net income for the taxable year from sources within the United States is of the total net income of the taxpayer for such year.

"(c) **DEFINITION OF UNITED STATES ASSET.**—As used in this subsection, the term 'United States asset' means an asset held by the taxpayer in the United States, determined in accordance with rules and regulations prescribed by the Commissioner with the approval of the Secretary.

Determination of invested capital.
Ante, p. 982.

53 Stat. 79.
26 U. S. C., Supp. V,
§ 251.

General rule.

Ante, p. 985.

Exception.

"United States asset" defined.

"SEC. 725. PERSONAL SERVICE CORPORATIONS.

"(a) **DEFINITION.**—As used in this subchapter, the term 'personal service corporation' means a corporation whose income is to be ascribed primarily to the activities of shareholders who are regularly engaged in the active conduct of the affairs of the corporation and are the owners at all times during the taxable year of at least 70 per centum in value of each class of stock of the corporation, and in which capital is not a material income-producing factor; but does not include any foreign corporation, nor any corporation 50 per centum or more of whose gross income consists of gains, profits, or income derived from trading as a principal. For the purposes of this subsection, an individual shall be considered as owning, at any time, the stock owned at such time by his spouse or minor child or by any guardian or trustee representing them.

Definition.

Election as to tax-
ability.
53 Stat. 4.
26 U. S. C., Supp. V,
ch. 1.

Post, p. 1005.

"(b) ELECTION AS TO TAXABILITY.—If a personal service corporation signifies, in its return under Chapter 1 for any taxable year, its desire not to be subject to the tax imposed under this subchapter for such taxable year, it shall be exempt from such tax for such year, and the provisions of Supplement S of Chapter 1 shall apply to the shareholders in such corporation who were such shareholders on the last day of such taxable year of the corporation.

"SEC. 726. CORPORATIONS COMPLETING CONTRACTS UNDER MERCHANT MARINE ACT, 1936.

Tax provisions.

49 Stat. 1998.
46 U. S. C., Supp. V,
§ 1155 (b).

Ante, p. 975.

Computation.

"(a) If the United States Maritime Commission certifies to the Commissioner that the taxpayer has completed within the taxable year any contracts or subcontracts which are subject to the provisions of section 505 (b) of the Merchant Marine Act of 1936, as amended, then the tax imposed by this subchapter for such taxable year shall be, in lieu of a tax computed under section 710, a tax computed under subsection (b) of this section, if, and only if, the tax computed under subsection (b) is less than the tax computed under section 710.

"(b) The tax computed under this subsection shall be the excess of—

"(1) A tentative tax computed under section 710 with the normal-tax net income increased by the amount of any payments made, or to be made, to the United States Maritime Commission with respect to such contracts or subcontracts; over

"(2) The amount of such payments.

"SEC. 727. EXEMPT CORPORATIONS.

Exempt corpora-
tions.

53 Stat. 33.
26 U. S. C., Supp. V,
§ 101.

53 Stat. 92.
26 U. S. C., Supp.
V, § 331.

53 Stat. 98.
26 U. S. C., Supp.
V, § 361.
Ante, p. 789.

53 Stat. 104.
26 U. S. C., Supp.
V, § 501.

"The following corporations shall be exempt from the tax imposed by this subchapter:

"(a) Corporations exempt under section 101 from the tax imposed by Chapter 1.

"(b) Foreign personal-holding companies, as defined in section 331.

"(c) Mutual investment companies, as defined in section 361.

"(d) Investment companies which under the Investment Company Act of 1940 are registered as diversified companies at all times during the taxable year. For the purposes of this subsection, if a company is so registered before July 1, 1941, it shall be considered as so registered at all times prior to the date of such registration.

"(e) Personal-holding companies, as defined in section 501.

"(f) Foreign corporations not engaged in trade or business within the United States and not having an office or place of business therein.

"(g) Domestic corporations satisfying the following conditions:

"(1) If 95 per centum or more of the gross income of such domestic corporation for the three-year period immediately preceding the close of the taxable year (or for such part of such period during which the corporation was in existence) was derived from sources other than sources within the United States; and

"(2) If 50 per centum or more of its gross income for such period or such part thereof was derived from the active conduct of a trade or business.

"(h) Any corporation subject to the provisions of Title IV of the Civil Aeronautics Act of 1938, in the gross income of which for any taxable year beginning after December 31, 1939, there is includible compensation received from the United States for the transportation of mail by aircraft if, after excluding from its gross income such compensation, its adjusted excess profits net income for such year is zero or less.

52 Stat. 987.
49 U. S. C., Supp.
V, §§ 481-496.

"SEC. 728. MEANING OF TERMS USED.

"The terms used in this subchapter shall have the same meaning as when used in Chapter 1.

53 Stat. 4.
26 U. S. C., Supp.
V, ch. 1.

"SEC. 729. LAWS APPLICABLE.

"(a) **GENERAL RULE.**—All provisions of law (including penalties) applicable in respect of the taxes imposed by Chapter 1, shall, insofar as not inconsistent with this subchapter, be applicable in respect of the tax imposed by this subchapter.

General rule.

"(b) **RETURNS.**—Notwithstanding subsection (a), no return under section 52 (a) shall be required to be filed by any taxpayer under this subchapter for any taxable year for which its excess profits net income, computed with the adjustments provided in section 711 (a) (2) and placed on an annual basis as provided in section 711 (a) (3), is not greater than \$5,000.

Returns.
53 Stat. 27.
26 U. S. C., Supp.
V, § 52 (a).

Ante, pp. 976, 977.

"(c) **FOREIGN TAXES PAID.**—In the application of section 131 for the purposes of this subchapter the tax paid or accrued to any country shall be deemed to be the amount of such tax reduced by the amount of the credit allowed with respect to such tax against the tax imposed by Chapter 1.

Foreign taxes paid.
53 Stat. 56.
26 U. S. C., Supp.
V, § 131.

53 Stat. 4.
26 U. S. C., Supp.
V, ch. 1.

"(d) **LIMITATIONS ON AMOUNT OF FOREIGN TAX CREDIT.**—The amount of the credit taken under this section shall be subject to each of the following limitations:

Limitations on
amount of foreign tax
credit.

"(1) The amount of the credit in respect of the tax paid or accrued to any country shall not exceed the same proportion of the tax against which such credit is taken, which the taxpayer's excess profits net income from sources within such country bears to its entire excess profits net income for the same taxable year; and

"(2) The total amount of the credit shall not exceed the same proportion of the tax against which such credit is taken, which the taxpayer's excess profits net income from sources without the United States bears to its entire excess profits net income for the same taxable year.

"SEC. 730. CONSOLIDATED RETURNS.

"(a) **PRIVILEGE TO FILE CONSOLIDATED RETURNS.**—An affiliated group of corporations shall, subject to the provisions of this section, have the privilege of making a consolidated return for the taxable year in lieu of separate returns. The making of a consolidated return shall be upon the condition that all the corporations which have been members of the affiliated group at any time during the taxable year for which the return is made consent to all the regulations under subsection (b) prescribed prior to the last day prescribed by law for the filing of such return; and the making of a consolidated return shall be considered as such consent. In the case of a corporation which is a member of the affiliated group for a fractional part of the year the consolidated return shall include the income of such corporation for such part of the year as it is a member of the affiliated group.

Affiliated group of
corporations.

"(b) **REGULATIONS.**—The Commissioner, with the approval of the Secretary, shall prescribe such regulations as he may deem necessary in order that the tax liability of any affiliated group of corporations making a consolidated return and of each corporation in the group, both during and after the period of affiliation, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the excess profits tax liability and the various factors necessary for the determination of such liability, and in order to prevent avoidance of such tax liability.

Regulations.

Computation and payment of tax.

Ante, p. 975.

Definition of "affiliated group."

"Stock."

Definition of "includible corporation."

42 Stat. 849.
15 U. S. C. §§ 141-162; Supp. V, §§ 142-160.

53 Stat. 79.
26 U. S. C., Supp. V, § 251.

53 Stat. 71, 72, 74.
26 U. S. C., Supp. V, §§ 201, 204, 207.
Includible insurance companies.

53 Stat. 4.
26 U. S. C., Supp. V, ch. I.

Subsidiary formed to comply with foreign law.

Suspension of running of statute of limitations.

53 Stat. 82.
26 U. S. C., Supp. V, § 272 (a).
53 Stat. 87.
26 U. S. C., Supp. V, § 277.

Tax exemptions.

"(c) **COMPUTATION AND PAYMENT OF TAX.**—In any case in which a consolidated return is made the tax shall be determined, computed, assessed, collected, and adjusted in accordance with the regulations under subsection (b) prescribed prior to the last day prescribed by law for the filing of such return. Only one specific exemption of \$5,000 provided in section 710 (b) (1) shall be allowed for the entire affiliated group of corporations.

"(d) **DEFINITION OF 'AFFILIATED GROUP'.**—As used in this section, an 'affiliated group' means one or more chains of includible corporations connected through stock ownership with a common parent corporation which is an includible corporation if—

"(1) At least 95 per centum of each class of the stock of each of the includible corporations (except the common parent corporation) is owned directly by one or more of the other includible corporations; and

"(2) The common parent corporation owns directly at least 95 per centum of each class of the stock of at least one of the other includible corporations.

As used in this subsection, the term 'stock' does not include nonvoting stock which is limited and preferred as to dividends.

"(e) **DEFINITION OF 'INCLUDIBLE CORPORATION'.**—As used in this section, the term 'includible corporation' means any corporation except—

"(1) Corporations exempt from the tax imposed by this subchapter.

"(2) Foreign corporations.

"(3) Corporations organized under the China Trade Act, 1922.

"(4) Corporations entitled to the benefits of section 251, by reason of receiving a large percentage of their income from possessions of the United States.

"(5) Personal service corporations.

"(6) Insurance companies subject to taxation under section 201, 204, or 207.

"(f) **INCLUDIBLE INSURANCE COMPANIES.**—Despite the provisions of paragraph (6) of subsection (e), two or more domestic insurance companies each of which is subject to taxation under the same section of Chapter 1 shall be considered as includible corporations for the purpose of the application of subsection (d) to such insurance companies alone.

"(g) **SUBSIDIARY FORMED TO COMPLY WITH FOREIGN LAW.**—In the case of a domestic corporation owning or controlling, directly or indirectly, 100 per centum of the capital stock (exclusive of directors' qualifying shares) of a corporation organized under the laws of a contiguous foreign country and maintained solely for the purpose of complying with the laws of such country as to title and operation of property, such foreign corporation may, at the option of the domestic corporation, be treated for the purpose of this subchapter as a domestic corporation.

"(h) **SUSPENSION OF RUNNING OF STATUTE OF LIMITATIONS.**—If a notice under section 272 (a) in respect of a deficiency for any taxable year is mailed to a corporation, the suspension of the running of the statute of limitations, provided in section 277, shall apply in the case of corporations with which such corporation made a consolidated return for such taxable year.

"SEC. 731. CORPORATIONS ENGAGED IN MINING OF STRATEGIC METALS.

"In the case of any domestic corporation engaged in the mining of tungsten, quicksilver, manganese, platinum, antimony, chromite, or tin, the portion of the adjusted excess profits net income attributable

to such mining in the United States shall be exempt from the tax imposed by this subchapter. The tax on the remaining portion of such adjusted excess profits net income shall be an amount which bears the same ratio to the tax computed without regard to this section as such remaining portion bears to the entire adjusted excess profits net income.

“Part II—Rules in Connection With Certain Exchanges

“Supplement A—Excess Profits Credit Based on Income

“SEC. 740. DEFINITIONS.

“For the purposes of this Supplement—

“(a) **ACQUIRING CORPORATION.**—The term ‘acquiring corporation’ means—

“Acquiring corporation.”

“(1) A corporation which has acquired—

“(A) substantially all the properties of another corporation and the whole or a part of the consideration for the transfer of such properties is the transfer to such other corporation of all the stock of all classes (except qualifying shares) of the corporation which has acquired such properties, or

“(B) substantially all the properties of another corporation and the sole consideration for the transfer of such properties is the transfer to such other corporation of voting stock of the corporation which has acquired such properties, or

“(C) before October 1, 1940, properties of another corporation solely as paid-in surplus or a contribution to capital in respect of voting stock owned by such other corporation.

For the purposes of subparagraphs (B) and (C) in determining whether such voting stock or such paid-in surplus or contribution to capital is the sole consideration, the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded. Subparagraph (B) or (C) shall apply only if the corporation transferring such properties is forthwith completely liquidated in pursuance of the plan under which the acquisition is made, and the transaction of which the acquisition is a part has the effect of a statutory merger or consolidation.

“(2) A corporation which has acquired property from another corporation in a transaction with respect to which gain or loss was not recognized under section 112 (b) (6) of Chapter 1 or a corresponding provision of a prior revenue law;

53 Stat. 38.
26 U. S. C., Supp.
V, § 112 (b) (6).

“(3) A corporation the result of a statutory merger of two or more corporations; or

“(4) A corporation the result of a statutory consolidation of two or more corporations.

“(b) **COMPONENT CORPORATION.**—The term ‘component corporation’ means—

“Component corporation.”

“(1) In the case of a transaction described in subsection

(a) (1), the corporation which transferred the assets;

“(2) In the case of a transaction described in subsection

(a) (2), the corporation the property of which was acquired;

“(3) In the case of a statutory merger, all corporations merged, except the corporation resulting from the merger; or

“(4) In the case of a statutory consolidation, all corporations consolidated, except the corporation resulting from the consolidation.

"Qualified component corporation."

"(c) **QUALIFIED COMPONENT CORPORATION.**—The term 'qualified component corporation' means a component corporation which was in existence on the date of the beginning of the taxpayer's base period.

Base period.

"(d) **BASE PERIOD.**—In the case of a taxpayer which is an acquiring corporation the base period shall be:

"(1) If the tax is being computed for any taxable year beginning in 1940, the forty-eight months preceding the beginning of such taxable year; or

"(2) If the tax is being computed for any taxable year beginning after December 31, 1940, the forty-eight months preceding what would have been its first taxable year beginning in 1940 if it had had a taxable year beginning in 1940 on the date on which the taxable year for which the tax is being computed began.

Base period years.

"(e) **BASE PERIOD YEARS.**—In the case of a taxpayer which is an acquiring corporation its base period years shall be the four successive twelve-month periods beginning on the same date as the beginning of its base period.

Existence of acquiring corporation.

"(f) **EXISTENCE OF ACQUIRING CORPORATION.**—For the purposes of subsection (c) and section 741, if any component corporation was in existence on the date of the beginning of the taxpayer's base period (either actually or by reason of this subsection), its acquiring corporation shall be considered to have been in existence on such date.

Component corporations of component corporations.

"(g) **COMPONENT CORPORATIONS OF COMPONENT CORPORATIONS.**—If a corporation is a component corporation of an acquiring corporation, under subsection (b) or under this subsection, it shall (except for the purposes of section 742 (d) (1) and (2) and section 743 (a)) also be a component corporation of the corporation of which such acquiring corporation is a component corporation.

Post, pp. 993, 994.

"SEC. 741. ELECTION OF INCOME CREDIT.

Ante, pp. 979, 980, 981.

"In addition to the corporations which under section 712 (a) may elect the excess profits credit computed under section 713 or the excess profits credit computed under section 714, a taxpayer which is an acquiring corporation which was in existence on the date of the beginning of its base period shall have such election.

"SEC. 742. AVERAGE BASE PERIOD NET INCOME.

Average base period net income.

"In the case of a taxpayer which is an acquiring corporation which was actually in existence on the date of the beginning of its base period, or which is entitled under section 741 to elect the excess profits credit computed under section 713, its average base period net income (for the purpose of the credit computed under section 713) shall be computed as follows, in lieu of the method provided in section 713:

Ante, p. 980.

Computation.

"(a) By ascertaining with respect to each of its base period years—

"(1) The amount of its excess profits net income for each of its taxable years beginning after December 31, 1935, and ending with or within such base period year; or, in the case of each such taxable year in which the deductions plus the credit for dividends received exceeded the gross income, the amount of such excess;

"(2) With respect to each of its qualified component corporations, the amount of its excess profits net income for each of its taxable years beginning after December 31, 1935, and ending with or within such base period year of the taxpayer; or, in the case of each such taxable year in which the deductions plus the credit for dividends received exceeded the gross income, the amount of such excess;

"(3) (A) The aggregate of the amounts of excess profits net income ascertained under paragraphs (1) and (2); (B) the aggregate of the excesses ascertained under paragraphs (1) and (2); and (C) the difference between the aggregates found under clause (A) and clause (B). If the aggregate ascertained under clause (A) is greater than the aggregate found under clause (B), the difference shall for the purposes of subsection (b) be designated a 'plus amount', and if the aggregate ascertained under clause (B) is greater than the aggregate found under clause (A), the difference shall for the purposes of subsection (b) be designated a 'minus amount'.

"Plus amount."

"Minus amount."

"(b) By adding the plus amounts ascertained under subsection (a) (3) for each year of the base period; and by subtracting from such sum, if for two or more years of the base period there was a minus amount, the sum of such minus amounts, excluding the greatest.

"(c) By dividing the amount ascertained under subsection (b) by four.

"(d) In no case shall the average base period net income be less than zero. In the case of a taxpayer which becomes an acquiring corporation in any taxable year beginning after December 31, 1939, if, on September 11, 1940, and at all times until the taxpayer became an acquiring corporation—

Minimum average
base period net in-
come.

"(1) the taxpayer owned not less than 75 per centum of each class of stock of each of the qualified component corporations involved in the transaction in which the taxpayer became an acquiring corporation; or

"(2) one of the qualified component corporations involved in the transaction owned not less than 75 per centum of each class of stock of the taxpayer, and of each of the other qualified component corporations involved in the transaction,

the average base period net income of the taxpayer shall not be less than (A) the average base period net income of that one of its qualified component corporations involved in the transaction the average base period net income of which is greatest, or (B) the average base period net income of the taxpayer computed without regard to the base period net income of any of its qualified component corporations involved in the transaction.

"(e) For the purposes of subsection (a) (1) and (2) of this section—

Ante, p. 992.

"(1) There shall be excluded, in the various computations, any dividends paid by the taxpayer or any of its qualified component corporations during any of the taxable years of the payor which are included in the computation of the taxpayer's average base period net income. If the payor corporation is a corporation described in subsection (f) (1) or (2) of this section, the dividends to be excluded under this paragraph shall be only such as are paid after such payor corporation first became an acquiring corporation; and

Exclusion of certain
dividends.

"(2) In determining whether, for any taxable year, the deductions plus the credit for dividends received exceeded the gross income, and in determining the amount of such excess, the adjustments provided in section 711 (b) (1) shall be made.

Ante, p. 977.

"(f) (1) In the case of a taxpayer which is an acquiring corporation and which was not actually in existence on the date of the beginning of its base period, there shall be excluded from the various computations under subsection (a) (1) of this section the portion of its excess profits net income, or of the excess over gross income therein referred to, which is attributable to any period before it first became an acquiring corporation.

Income before be-
coming an acquiring
corporation.

Exclusions in case of certain component corporations.
Ante, p. 992.

"(2) In the case of a component corporation which became a qualified component corporation only by reason of section 740 (f), there shall be excluded from the various computations under subsection (a) (2) of this section the portion of its excess profits net income, or of the excess over gross income therein referred to, which is attributable to any period before it first became an acquiring corporation.

Qualified component corporations.

"(3) In the case of a qualified component corporation which was actually in existence on the date of the beginning of the taxpayer's base period, there shall be excluded from the various computations under subsection (a) (2) of this section the portion of its excess profits net income, or of the excess over gross income therein referred to, which is attributable to the period before such date.

Acquisitions during taxable year.

"(4) If during the taxable year for which tax is computed under this subchapter the taxpayer acquires assets in a transaction which constitutes it an acquiring corporation, the amount includible under subsection (a) (2), attributable to such transaction, shall be limited to an amount which bears the same ratio to the amount computed without regard to this paragraph as the number of days in the taxable year after such transaction bears to the total number of days in such taxable year.

"SEC. 743. NET CAPITAL CHANGES.

Ante, p. 981.

"(a) For the purposes of section 713 (c), upon the date of the transaction which constitutes a corporation an acquiring corporation, there shall be added to its daily capital addition or reduction for such day, the net capital addition or reduction, as the case may be, of each of the component corporations involved in such transaction, but no other capital addition or reduction shall be considered as having been made by reason of such transaction.

"(b) For the purposes of this section—

"(1) In computing the net capital addition of each such component corporation there shall be disregarded property paid in to such corporation by the taxpayer or by any of its component corporations.

"(2) In computing the net capital reduction of each such component corporation there shall be disregarded distributions made to the taxpayer or to any of such component corporations.

"SEC. 744. FOREIGN CORPORATIONS.

Use of term "corporation."

"The term 'corporation' as used in this Supplement does not include a foreign corporation.

"Supplement B—Highest Bracket Amount and Invested Capital

"SEC. 750. DEFINITIONS.

"As used in this Supplement—

"Exchange."
53 Stat. 37.
26 U. S. C., Supp. V, § 112 (b) (4), (5).
53 Stat. 39.
26 U. S. C., Supp. V, § 112 (c), (d), (e).

"(a) EXCHANGE.—The term 'exchange' means an exchange, to which section 112 (b) (4) or (5) or so much of section 112 (c), (d), or (e) as refers to section 112 (b) (4) or (5), or to which a corresponding provision of a prior revenue law, is or was applicable, by one corporation of its property wholly or in part for stock or securities of another corporation, or a transfer of property by one corporation to another corporation after December 31, 1917, the basis of which in the hands of such other corporation is or was determined under section 113 (a) (8) (B), or would have been so determined had such section been in effect.

53 Stat. 42.
26 U. S. C., Supp. V, § 113 (a) (8) (B).

“(b) **TRANSFEROR UPON AN EXCHANGE.**—The term ‘transferor upon an exchange’ means a corporation which upon an exchange transfers property to another corporation in exchange, wholly or in part, for stock or securities of such other corporation, or transfers property to another corporation after December 31, 1917, the basis of which in the hands of such other corporation is or was determined under section 113 (a) (8) (B), or would have been so determined had such section been in effect.

“Transferor upon an exchange.”

“(c) **TRANSFeree UPON AN EXCHANGE.**—The term ‘transferee upon an exchange’ means a corporation which upon an exchange acquires property from another corporation in exchange, wholly or in part, for its stock or securities, or which acquires property from another corporation after December 31, 1917, the basis of which in its hands is or was determined under section 113 (a) (8) (B), or would have been so determined had such section been in effect.

53 Stat. 42.
26 U. S. C., Supp.
V, § 113 (a) (8) (B).
“Transferee upon an exchange.”

“(d) **CONTROL.**—The term ‘control’ means the ownership of stock possessing at least 90 per centum of the total combined voting power of all classes of stock entitled to vote and at least 90 per centum of the total value of shares of all classes of stock of the corporation.

53 Stat. 42.
26 U. S. C., Supp.
V, § 113 (a) (8) (B).
“Control.”

“(e) **HIGHEST BRACKET AMOUNT.**—The term ‘highest bracket amount’ means \$500,000 or the highest bracket amount computed under section 752, whichever is the smaller.

“Highest bracket amount.”

“SEC. 751. DETERMINATION OF PROPERTY PAID IN FOR STOCK AND OF BORROWED CAPITAL IN CONNECTION WITH CERTAIN EXCHANGES.

“(a) **PROPERTY PAID IN FOR STOCK.**—In the application of section 718 (a) to a transferee upon an exchange in determining the amount paid in for stock of the transferee, or as paid-in surplus or as a contribution to capital of the transferee, in connection with such exchange, only an amount shall be deemed to have been so paid in equal to the excess of the basis in the hands of the transferee of the property of the transferor received by the transferee upon the exchange over the sum of—

Property paid in for stock.
Ante, p. 982.

“(1) Any liability of the transferor assumed upon such exchange and any liability subject to which the property was received upon such exchange, plus

“(2) The aggregate of the amount of money and the fair market value of any other property transferred to the transferor not permitted to be received by such transferor without the recognition of gain.

“(b) **BORROWED CAPITAL.**—In the application of section 719 (a) to a transferee upon an exchange, the term ‘borrowed capital’ shall not include indebtedness originally evidenced by securities issued by the transferee upon such exchange as consideration for the property of the transferor received by the transferee upon such exchange if (1) such securities were property permitted to be received by the person to whom such securities were issued without the recognition of gain and (2) the indebtedness originally evidenced by such securities did not arise out of indebtedness of the transferor (other than indebtedness which in the transferor’s hands was subject to the limitations of this subsection) assumed by the transferee in connection with such exchange.

Borrowed capital.
Ante, p. 984.

“SEC. 752. COMPUTATION OF HIGHEST BRACKET AMOUNT IN CONNECTION WITH EXCHANGES.

“(a) **SPECIAL APPLICATION OF DAILY INVESTED CAPITAL OF TRANSFEROR UPON EXCHANGE.**—For the purposes of this section, the daily invested capital of a transferor upon an exchange for the day after

Daily invested capital of transferor.

Ante, p. 982.

Highest bracket
amount of transferor.
Taxable year of ex-
change.

Taxable years after
exchange involving
control.

Not involving con-
trol.

Taxable years after
certain exchanges, etc.
53 Stat. 37.
26 U. S. C., Supp.
V, § 112 (b) (5).

53 Stat. 39.
26 U. S. C., Supp.
V, § 112 (c), (e).

the exchange shall be the daily invested capital determined under section 717 reduced by an amount equal to the amount by which the equity invested capital of the transferee upon such exchange was increased by reason of the receipt of property from such transferor upon such exchange.

“(b) HIGHEST BRACKET AMOUNT OF TRANSFEROR.—

“(1) TAXABLE YEAR OF EXCHANGE.—In the case of a transferor upon an exchange after the beginning of its first taxable year under this subchapter, its highest bracket amount for the taxable year in which the exchange takes place shall be the sum of—

“(A) Its highest bracket amount immediately preceding the exchange multiplied by the number of days in the taxable year up to and including the day of the exchange, plus

“(B) Its highest bracket amount for the taxable year after the exchange, multiplied by the number of days in the taxable year remaining after the day of the exchange,
divided by the number of days in the taxable year.

“(2) TAXABLE YEARS AFTER EXCHANGE INVOLVING CONTROL.—In the case of a transferor upon an exchange after the beginning of its first taxable year under this subchapter, if immediately after the exchange the transferor or its shareholders, or both, are in control of the transferee, the transferor's highest bracket amount for any taxable year after the taxable year in which the exchange takes place shall be an amount which is a percentage of its highest bracket amount immediately preceding the exchange equal to the percentage which its daily invested capital for the day after the exchange is of its daily invested capital for the day of the exchange.

“(3) TAXABLE YEARS AFTER EXCHANGE NOT INVOLVING CONTROL.—In the case of a transferor upon an exchange (other than a transferor described in paragraph (4) of this subsection) after the beginning of its first taxable year under this subchapter, if immediately after the exchange no transferor or its shareholders, or both, upon the exchange are in control of the transferee, and if the shareholders of the transferee immediately preceding the exchange are not in control of the transferee immediately after the exchange, the transferor's highest bracket amount for any taxable year after the exchange shall be the excess, if any, of the sum of the transferor's highest bracket amount immediately preceding the exchange and the transferee's highest bracket amount immediately preceding the exchange, over \$500,000.

“(4) TAXABLE YEARS AFTER CERTAIN EXCHANGES UNDER SECTION 112 (b) (5).—In the case of an exchange after the beginning of the first taxable year under this subchapter of any transferor or transferee upon such exchange, involving two or more transferors, or one or more transferors and one or more other persons, if immediately after the exchange no one of such transferors, or its shareholders, or both, and no one or more of such other persons are in control of the transferee and if such exchange is an exchange described in section 112 (b) (5) or so much of section 112 (c) or 112 (e) as refers to section 112 (b) (5), the highest bracket amount of any such transferor for any taxable year after the exchange shall be an amount equal to its highest bracket amount immediately preceding the exchange—

“(A) Minus an amount which bears the same ratio to its highest bracket amount immediately preceding the exchange as the excess of its daily invested capital for the day of the exchange over its daily invested capital for the day after the exchange bears to its daily invested capital for the day of the exchange, and

“(B) Plus an amount which bears the same ratio to the excess over \$500,000 of the sum of the amounts computed under subparagraph (A) with respect to each transferor, as the amount computed under subparagraph (A) with respect to such transferor bears to the sum of the amounts computed under such subparagraph with respect to each transferor.

“(c) **HIGHEST BRACKET AMOUNT OF TRANSFEREE.**—

“(1) **TAXABLE YEAR OF EXCHANGE INVOLVING CONTROL.**—In the case of a transferee upon an exchange after the beginning of the first taxable year under this subchapter of a transferor upon such exchange the transferee's highest bracket amount for the taxable year in which the exchange takes place shall be the sum of—

“(A) Its highest bracket amount immediately preceding the exchange multiplied by the number of days in the taxable year up to and including the day of the exchange, plus

“(B) Its highest bracket amount for the taxable year after the exchange multiplied by the number of days in the taxable year remaining after the day of the exchange, divided by the number of days in the taxable year. For the purposes of this paragraph and subsection (d) of this section ‘exchange’ includes a liquidation described in paragraph (5) of this subsection, and such exchange shall be deemed to have taken place on the day such liquidation was completed.

“(2) **TAXABLE YEARS AFTER EXCHANGE INVOLVING CONTROL.**—In the case of a transferee upon an exchange after the beginning of the first taxable year under this subchapter of a transferor upon such exchange, if immediately after the exchange any transferor upon such exchange or its shareholders, or both, are in control of the transferee, the transferee's highest bracket amount for any taxable year after the exchange shall be an amount which is a percentage of such transferor's highest bracket amount immediately preceding the exchange equal to the percentage which the excess of the transferee's daily invested capital for the day after the exchange over its daily invested capital for the day of the exchange is of such transferor's daily invested capital for the day of the exchange.

“(3) **TAXABLE YEARS AFTER EXCHANGE NOT INVOLVING CONTROL.**—In the case of a transferee upon an exchange (other than a transferee described in paragraph (4) of this subsection) after the beginning of the first taxable year under this subchapter of a transferor upon such exchange, if immediately after the exchange no transferor or its shareholders, or both, are in control of the transferee, and if the shareholders of the transferee immediately preceding the exchange are not in control of the transferee immediately after the exchange, the transferee's highest bracket amount for any taxable year after the exchange shall be an amount equal to (A) the sum of the transferor's highest bracket amount immediately preceding the exchange and the transferee's highest bracket amount immediately preceding the exchange, or (B) \$500,000, whichever is the smaller.

“(4) **TAXABLE YEARS AFTER CERTAIN EXCHANGES UNDER SECTION 112 (b) (5).**—In the case of an exchange described in subsection (b) (4) of this section, the highest bracket amount of the transferee upon such exchange for any taxable year after the exchange shall be an amount equal (A) to the sum of the amounts computed under subparagraph (A) of such subsection with respect to each transferor or (B) \$500,000, whichever is the smaller.

Highest bracket amount of transferee. Taxable year of exchange involving control.

Taxable years after exchange involving control.

Not involving control.

Taxable years after certain exchanges, etc. 53 Stat. 37. 26 U. S. C., Supp. V, § 112 (b) (5).

Taxable years after
liquidation, etc.
53 Stat. 38.
26 U. S. C., Supp.
V, § 112 (b) (6).

“(5) **TAXABLE YEARS AFTER LIQUIDATION IN CASE OF CORPORATION RECEIVING PROPERTY UNDER SECTION 112 (b) (6).**—Upon the receipt by a corporation during any taxable year under this subchapter of property in complete liquidation of another corporation, gain or loss upon which is not recognized by reason of section 112 (b) (6), the highest bracket amount of the corporation receiving such property for any taxable year after the liquidation is completed shall be an amount equal to its highest bracket amount immediately preceding the completion of the liquidation increased, but in no case to an amount above \$500,000, by an amount equal to the highest bracket amount of such other corporation immediately preceding the completion of such liquidation, if previously and after the beginning of the first taxable year under this subchapter of the corporation receiving such property such corporation was a transferor upon an exchange with respect to which such other corporation was a transferee.

Two or more ex-
changes in same tax-
able year.

“(d) **HIGHEST BRACKET AMOUNT IN CASE OF TWO OR MORE EXCHANGES IN SAME TAXABLE YEAR.**—

Ante, p. 996.

“(1) If a transferor upon an exchange is in the same taxable year involved in more than one exchange (either as transferor or transferee), its highest bracket amount for such taxable year shall be the amount determined under subsection (b) (1) with respect to the last exchange in such taxable year. Its highest bracket amount immediately preceding any exchange in such taxable year subsequent to the first exchange therein shall be the amount computed under subsection (b) (1) with respect to the immediately preceding exchange as if the taxable year closed on the day of such subsequent exchange.

Ante, p. 997.

“(2) If a transferee upon an exchange is in the same taxable year involved in more than one exchange (either as transferee or transferor), its highest bracket amount for such taxable year shall be the amount determined under subsection (c) (1) with respect to the last exchange in such taxable year. Its highest bracket amount immediately preceding any exchange in such taxable year subsequent to the first exchange therein shall be the amount computed under subsection (c) (1) with respect to the immediately preceding exchange as if the taxable year closed on the day of such subsequent exchange.

“(3) If a transferor or transferee upon an exchange is in the same taxable year involved in more than one exchange (either as transferor or transferee), its highest bracket amount for any taxable year after the taxable year in which such exchanges took place shall be the amount computed under subsection (b) (2), (3), or (4), or (c) (2), (3), (4), or (5), as the case may be, with respect to the last such exchange.”

TITLE III—AMORTIZATION DEDUCTION

SEC. 301. ALLOWANCE OF AMORTIZATION DEDUCTION.

53 Stat. 16, 867.
26 U. S. C., Supp.
V, § 23.

Section 23 of the Internal Revenue Code is amended by inserting at the end thereof the following new subsection:

“(t) **AMORTIZATION DEDUCTION.**—The deduction for amortization provided in section 124.”

Post, p. 999.

SEC. 302. COMPUTATION OF AMORTIZATION DEDUCTION.

53 Stat. 879.
26 U. S. C., Supp.
V, § 123.

The Internal Revenue Code is amended by inserting after section 123 the following new section:

"SEC. 124. AMORTIZATION DEDUCTION.

"(a) **GENERAL RULE.**—Every corporation, at its election, shall be entitled to a deduction with respect to the amortization of the adjusted basis of any emergency facility (as defined in subsection (e)), based on a period of sixty months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the facility at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction above provided with respect to any month shall, except to the extent provided in subsection (g) of this section, be in lieu of the deduction with respect to such facility for such month provided by section 23 (1), relating to exhaustion, wear and tear, and obsolescence. The sixty-month period shall begin as to any emergency facility, at the election of the taxpayer, with the month following the month in which the facility was completed or acquired, or with the succeeding taxable year.

"(b) **ELECTION OF AMORTIZATION.**—The election of the taxpayer to take the amortization deduction and to begin the sixty-month period with the month following the month in which the facility was completed or acquired shall (except as provided in subsection (d) (3)) be made only by a statement to that effect in its return for the taxable year in which the facility was completed or acquired. Its election to take the amortization deduction and to begin such period with the taxable year succeeding such year shall be made only by a statement to that effect in its return for such succeeding taxable year.

"(c) **TERMINATION OF AMORTIZATION DEDUCTION.**—A taxpayer which has elected under subsection (b) to take the amortization deduction provided in subsection (a) may, at any time after making such election, discontinue the amortization deductions with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Commissioner before the beginning of such month. The deduction provided under section 23 (1) shall be allowed, beginning with the first month as to which the amortization deduction is not applicable, and the taxpayer shall not (except as provided in subsection (d)) be entitled to any further amortization deductions with respect to such emergency facility.

"(d) **TERMINATION OF AMORTIZATION PERIOD.**—

"(1) If the President has proclaimed the ending of the emergency period (as defined in subsection (e)), or if the Secretary of War or the Secretary of the Navy has, in accordance with regulations prescribed by the President, certified to the Commissioner that an emergency facility ceased, on the date specified in the certificate, to be necessary in the interest of national defense during the emergency period, and if the date of such proclamation or the date specified in such certificate occurs within sixty months from the beginning of the amortization period with respect to such emergency facility, then the taxpayer may elect (in accordance with paragraph (4) of this subsection) to terminate the amortization period with respect to such emergency facility as of the end of the month in which such proclamation was issued or in which occurred the date specified in such certificate, whichever is the earlier. In such case the amortization period with respect to such facility shall end with the end of such month in lieu of the end of the sixty-month period.

Emergency facilities.

General rule.

Post, p. 1001.

53 Stat. 14.
26 U. S. C., Supp.
V, § 23 (b).

Election of amortization.

Post, p. 1000.

Termination of amortization deduction.

53 Stat. 14.
26 U. S. C., Supp.
V, § 23 (b).

End of emergency period or cessation of emergency facility.
Post, p. 1001.

Election by taxpayer.

Date of proclamation, etc., effect.

53 Stat. 14.
26 U. S. C., Supp.
V, § 23 (l).
Election by taxpayer.

Nonelection of amortization deduction.

Election by taxpayer.

Manner, form, etc., of election.

Computation of taxes.

Recomputation of tax, etc.

Compromises.
53 Stat. 462.
26 U. S. C., Supp.
V, § 3761.

Limitation of adjustment.

"(2) If the date of the proclamation or the date specified in the certificate referred to in paragraph (1) of this subsection occurs within sixty months from the beginning of the amortization period with respect to such emergency facility and after the beginning of the month which the taxpayer has previously fixed under subsection (c) for the taking, in lieu of the amortization deduction provided in this section, of the deduction allowed by section 23 (1), the taxpayer may elect (in accordance with paragraph (4) of this subsection) to terminate the amortization period with respect to such emergency facility as of the end of the month in which such proclamation was issued or in which occurred the date specified in such certificate, whichever is the earlier. In such case the amortization period with respect to such facility shall end with the end of such month in lieu of the end of the sixty-month period, and the termination of the amortization deduction under subsection (c) shall be disregarded.

"(3) In the case of a taxpayer which has not in either of its returns specified in subsection (b) elected to take an amortization deduction with respect to an emergency facility, if the date of the proclamation or the date specified in the certificate, referred to in paragraph (1) of this subsection, whichever is earlier, is before the expiration of sixty months from the last day of the month in which such emergency facility was completed or acquired, then the taxpayer may elect (in accordance with paragraph (4) of this subsection) the amortization deduction provided in subsection (a), using an amortization period beginning with the month following the month in which the emergency facility was completed or acquired and ending as of the end of the month within which such proclamation was issued or within which occurred the date specified in such certificate, whichever is the earlier.

"(4) The election provided in paragraph (1), (2), or (3) shall be made by filing with the Commissioner, in such manner, in such form, and within such time, as the Commissioner with the approval of the Secretary may by regulations prescribe, a statement of such election. When such election has been so made, then, under regulations prescribed by the Commissioner with the approval of the Secretary, the taxes for all taxable years, beginning with the taxable year in which the amortization period began, shall be computed in accordance with an amortization deduction computed in accordance with the method provided in subsection (a), but using (in lieu of the sixty-month period provided in such subsection) the amortization period specified in paragraph (1), (2), or (3), as the case may be.

"(5) RECOMPUTATION OF TAX IN CASE OF ELECTION UNDER THIS SUBSECTION.—If the adjustment of the income or excess-profits tax liability for any taxable year necessary to give effect to paragraph (4) of this subsection is prevented (A) on the date of the certificate of the Secretary of War or the Secretary of the Navy or on the date of the President's proclamation, whichever is the basis of the taxpayer's election under this subsection, or (B) within one year from such date, by any provision of law (other than this paragraph and other than section 3761, relating to compromises), an adjustment of the tax liability shall nevertheless be made if in respect of such taxable year a notice of deficiency is mailed or a claim for refund is filed, as the case may be, within one year after the date of such certificate or such proclamation, whichever is the basis of the taxpayer's election under this subsection. If at the time of the mailing of such notice of deficiency or the filing of such claim for refund, the

adjustment is so prevented, then the amount of the adjustment authorized in this paragraph shall be limited to the increase or decrease in the tax previously determined for such taxable year which results solely from the effect of paragraph (4) of this subsection, and such amount shall be assessed and collected, or credited or refunded, in the same manner as if it were a deficiency or an overpayment, as the case may be, for such taxable year and as if on the date of such certificate or such proclamation, whichever is the basis of the taxpayer's election under this subsection, one year remained before the expiration of the periods of limitation upon assessment or filing claim for refund for the taxable year. The tax previously determined shall be ascertained in accordance with section 3801 (d). The amount to be assessed and collected under this paragraph in the same manner as if it were a deficiency, or to be refunded or credited in the same manner as if it were an overpayment, shall not be diminished by any credit or set-off based upon any item, inclusion, deduction, credit, exemption, gain, or loss, other than one resulting from the effect of paragraph (4) of this subsection. Such amount, if paid, shall not be recovered by a claim or suit for refund or suit for erroneous refund based upon any item, inclusion, deduction, credit, exemption, gain, or loss, other than one resulting from the effect of paragraph (4) of this subsection.

Ascertainment of tax.
53 Stat. 473.
26 U. S. C., Supp. V, § 3801 (d).

No recovery by claim, etc.

“(e) DEFINITIONS.—

“(1) EMERGENCY FACILITY.—As used in this section, the term ‘emergency facility’ means any facility, land, building, machinery, or equipment, or part thereof, the construction, reconstruction, erection, or installation of which was completed after June 10, 1940, or which was acquired after such date, and with respect to which a certificate under subsection (f) has been made.

“Emergency facility.”

“(2) EMERGENCY PERIOD.—As used in this section, the term ‘emergency period’ means the period beginning June 10, 1940, and ending on the date on which the President proclaims that the utilization of a substantial portion of the emergency facilities with respect to which certifications under subsection (f) have been made, is no longer required in the interest of national defense.

“Emergency period.”

“(f) DETERMINATION OF ADJUSTED BASIS OF EMERGENCY FACILITY.—In determining, for the purposes of subsection (a) or subsection (h), the adjusted basis of an emergency facility—

Determination of adjusted basis of emergency facility.
Ante, p. 999; *post*, p. 1002.
Amount included.

“(1) There shall be included only so much of the amount otherwise constituting such adjusted basis as is properly attributable to such construction, reconstruction, erection, installation, or acquisition after June 10, 1940, as the Advisory Commission to the Council of National Defense and either the Secretary of War or the Secretary of the Navy have certified, within the time specified in paragraph (3) of this subsection, and under such regulations as the President may prescribe, as necessary in the interest of national defense during the emergency period;

“(2) After the completion or acquisition of any emergency facility with respect to which a certificate under paragraph (1) has been made, any expenditure (attributable to such facility and to the period after such completion or acquisition) which does not represent construction, reconstruction, erection, installation, or acquisition included in such certificate, but with respect to which a separate certificate is made under paragraph (1), shall not be applied in adjustment of the basis of such facility and shall be considered as an expenditure with respect to a new emergency facility; and

Expenditures.

Validity of certificate.

Ante, p. 974; *post*, p. 1018.

Depreciation deduction.

53 Stat. 14.
26 U. S. C., Supp.
V, § 23 (f).

Payment by U. S. of unamortized cost of facility.

Amortization deduction.

Payments.

If taxpayer not entitled to amortization deduction.

53 Stat. 14.
26 U. S. C., Supp.
V, § 23 (f).

Protection of U. S. If taxpayer reimbursed.

Directly.

Indirectly.

"(3) The certificate provided for in paragraph (1) shall have no effect unless made before whichever of the following dates is the later: (A) The beginning of such construction, reconstruction, erection, or installation, or the date of such acquisition, or (B) the one hundred and twentieth day after the date of the enactment of the Second Revenue Act of 1940.

"(g) DEPRECIATION DEDUCTION.—If the adjusted basis of the emergency facility computed without regard to subsection (f) of this section is in excess of the adjusted basis computed under such subsection, the deduction provided by section 23 (1) shall, despite the provisions of subsection (a) of this section, be allowed with respect to such emergency facility as if its adjusted basis were an amount equal to the amount of such excess.

"(h) PAYMENT BY UNITED STATES OF UNAMORTIZED COST OF FACILITY.—If an amount is properly includible in the gross income of the taxpayer on account of a payment with respect to an emergency facility and such payment is certified as provided in this paragraph, then, at the election of the taxpayer in its return for the taxable year in which such amount is so includible—

"(1) The amortization deduction for the month in which such amount is so includible shall (in lieu of the amount of the deduction for such month computed under subsection (a)) be the amount so includible, but such deduction shall not be in excess of the adjusted basis of the emergency facility as of the end of such month (computed without regard to any amortization deduction for such month). Payments referred to in this paragraph shall be payments the amounts of which are certified, under such regulations as the President may prescribe, by either the Secretary of War or the Secretary of the Navy as compensation to the taxpayer for the unamortized cost of the emergency facility made because—

"(A) A contract with the United States involving the use of the facility has been terminated by its terms or by cancellation, or

"(B) the taxpayer had reasonable grounds (either from provisions of a contract with the United States involving the use of the facility, or from written or oral representations made under authority of the United States) for anticipating future contracts involving the use of the facility, which future contracts have not been made.

"(2) In case the taxpayer is not entitled to any amortization deduction with respect to the emergency facility the deduction allowable under section 23 (1) on account of the month in which such amount is so includible shall be increased by such amount, but such deduction on account of such month shall not be in excess of the adjusted basis of the emergency facility as of the end of such month (computed without regard to any amount allowable, on account of such month, under section 23 (1) or this paragraph).

"(i) PROTECTION OF THE UNITED STATES.—If the taxpayer has been or will be reimbursed by the United States for all or a part of the cost of any emergency facility pursuant to any contract with the United States, either—

"(1) directly, by a provision therein dealing expressly with such reimbursement, or

"(2) indirectly, because the price paid by the United States (insofar as return of cost of the facility is used as a factor in the fixing of such price) is recognized by the contract as including a return of cost greater than the normal exhaustion, wear and tear,

no amortization deduction with respect to such emergency facility shall be allowed for any month after the end of the month in which such contract is made, unless, before the expiration of ninety days after the making of such contract or one hundred and twenty days after the date of the enactment of the Second Revenue Act of 1940, whichever of such periods expires the later, the Advisory Commission to the Council of National Defense, and either the Secretary of War or the Secretary of the Navy certify to the Commissioner that such contract adequately protects the United States with reference to the future use and disposition of such emergency facility. A certificate by the Advisory Commission to the Council of National Defense and either the Secretary of War or the Secretary of the Navy, made to the Commissioner before the expiration of ninety days after the making of a contract or one hundred and twenty days after the date of the enactment of the Second Revenue Act of 1940, whichever of such periods expires the later, to the effect that, under such contract, reimbursement for all or a part of the cost of any emergency facility is not provided for within the meaning of clause (1) or clause (2), shall be conclusive for the purposes of this subsection.

"The terms and conditions of contracts with reference to reimbursement of the cost of emergency facilities and the protecting of the United States with reference to the future use and disposition of such emergency facilities shall be made available to the public."

Nonallowance of amortization deduction.

Exception.

Ante, p. 974.

Reimbursement not provided for under contract.

Availability to public of terms of contracts.

TITLE IV—SUSPENSION OF PROFIT-LIMITING PROVISIONS OF THE VINSON ACT AND CERTAIN PROVISIONS OF THE MERCHANT MARINE ACT, 1936

SEC. 401. SUSPENSION OF PROFIT-LIMITING PROVISIONS OF THE VINSON ACT.

The provisions of section 3 of the Act of March 27, 1934 (48 Stat. 505; 34 U. S. C., sec. 496), as amended, beginning with the first proviso thereof, and section 2 (b) of the Act of June 28, 1940 (Public, Numbered 671, Seventy-sixth Congress, third session), shall not apply to contracts or subcontracts for the construction or manufacture of any complete naval vessel or any Army or Navy aircraft, or any portion thereof, which are entered into in any taxable year to which the excess profits tax provided in subchapter E of Chapter 2 of the Internal Revenue Code is applicable or would be applicable if the contractor or subcontractor, as the case may be, were a corporation, and any agreement to pay into the Treasury profit in excess of 10 per centum, 12 per centum, or 8 per centum, as the case may be, of the contract prices of any such contracts or subcontracts shall be without effect. This section shall also apply to such contracts or subcontracts which were entered into before the date of the beginning of the contractor's or subcontractor's first taxable year which begins in 1940 and which are not completed before such date.

34 U. S. C., Supp. V, § 496.

Ante, pp. 677, 883.

Ante, p. 976.

SEC. 402. SUSPENSION OF PROFIT-LIMITING PROVISIONS OF THE MERCHANT MARINE ACT, 1936, AS TO CERTAIN SUBCONTRACTS.

(a) The provisions of section 505 (b) of the Merchant Marine Act of 1936, as amended, shall not apply to any subcontract which would otherwise be within such provisions if such subcontract is entered into in any taxable year of the subcontractor to which Subchapter E of Chapter 2 of the Internal Revenue Code is applicable and if the

49 Stat. 1998.
46 U. S. C., Supp. V, § 1155 (b).

Ante, p. 975.

principal contractor and the subcontractor between which such subcontract is entered into are not affiliated within the meaning of subsection (b) of this section at the time such subcontract is entered into or at any time thereafter up to and including the date of its completion; and any agreement, pursuant to which the subcontractor is required to pay to the United States Maritime Commission profit in excess of 10 per centum of the contract price of any such subcontract or pursuant to which such an agreement is required to be obtained from such subcontractor relative to such subcontract, shall be without effect. This subsection shall apply only if both the principal contractor and the subcontractor are corporations.

Affiliated corporations.

(b) For the purposes of this section, two or more corporations shall be deemed to be affiliated (1) if one corporation owns at least 95 per centum of the stock of the other or others, or (2) if at least 95 per centum of the stock of two or more corporations is owned by the same interests. As used in this subsection, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

"Stock" construed.

TITLE V—AMENDMENTS TO INTERNAL REVENUE CODE

SEC. 501. EARNINGS AND PROFITS OF CORPORATIONS.

Internal Revenue Code, amendments.
53 Stat. 48.
26 U. S. C., Supp. V, § 115 (k).
Effect of gain or loss and of receipt of tax-free distributions.

(a) UNDER INTERNAL REVENUE CODE.—Section 115 of the Internal Revenue Code is amended by inserting at the end thereof the following new subsections:

"(1) EFFECT ON EARNINGS AND PROFITS OF GAIN OR LOSS AND OF RECEIPT OF TAX-FREE DISTRIBUTIONS.—The gain or loss realized from the sale or other disposition (after February 28, 1913) of property by a corporation—

"(1) for the purpose of the computation of earnings and profits of the corporation, shall be determined, except as provided in paragraph (2), by using as the adjusted basis the adjusted basis (under the law applicable to the year in which the sale or other disposition was made) for determining gain, except that no regard shall be had to the value of the property as of March 1, 1913; but

"(2) for the purpose of the computation of earnings and profits of the corporation for any period beginning after February 28, 1913, shall be determined by using as the adjusted basis the adjusted basis (under the law applicable to the year in which the sale or other disposition was made) for determining gain.

Gain or loss so realized shall increase or decrease the earnings and profits to, but not beyond, the extent to which such a realized gain or loss was recognized in computing net income under the law applicable to the year in which such sale or disposition was made. Where in determining the adjusted basis used in computing such realized gain or loss the adjustment to the basis differs from the adjustment proper for the purpose of determining earnings or profits, then the latter adjustment shall be used in determining the increase or decrease above provided. Where a corporation receives (after February 28, 1913) a distribution from a second corporation which (under the law applicable to the year in which the distribution was made) was not a taxable dividend to the shareholders of the second corporation, the amount of such distribution shall not increase the earnings and profits of the first corporation in the following cases:

"(1) No such increase shall be made in respect of the part of such distribution which (under such law) is directly applied in reduction of the basis of the stock in respect of which the distribution was made.

"(2) No such increase shall be made if (under such law) the distribution causes the basis of the stock in respect of which the distribution was made to be allocated between such stock and the property received.

"(m) EARNINGS AND PROFITS—INCREASE IN VALUE ACCRUED BEFORE MARCH 1, 1913.—

Increase in value accrued before March 1, 1913.

"(1) If any increase or decrease in the earnings or profits for any period beginning after February 28, 1913, with respect to any matter would be different had the adjusted basis of the property involved been determined without regard to its March 1, 1913, value, then, except as provided in paragraph (2), an increase (properly reflecting such difference) shall be made in that part of the earnings and profits consisting of increase in value of property accrued before March 1, 1913.

"(2) If the application of subsection (1) to a sale or other disposition after February 28, 1913, results in a loss which is to be applied in decrease of earnings and profits for any period beginning after February 28, 1913, then, notwithstanding subsection (1) and in lieu of the rule provided in paragraph (1) of this subsection, the amount of such loss so to be applied shall be reduced by the amount, if any, by which the adjusted basis of the property used in determining the loss, exceeds the adjusted basis computed without regard to the value of the property on March 1, 1913, and if such amount so applied in reduction of the decrease exceeds such loss, the excess over such loss shall increase that part of the earnings and profits consisting of increase in value of property accrued before March 1, 1913."

(b) EFFECTIVE DATE OF AMENDMENT.—The amendment made by subsection (a) shall be applicable to taxable years beginning after December 31, 1938.

Effective date of amendment.

(c) UNDER PRIOR ACTS.—For the purposes of the Revenue Act of 1938 or any prior Revenue Act the amendments made to the Internal Revenue Code by subsection (a) of this section shall be effective as if they were a part of each such Revenue Act on the date of its enactment. Nothing in this subsection shall affect the tax liability of any taxpayer for any year which, on September 20, 1940, was pending before, or was theretofore determined by, the Board of Tax Appeals, or any court of the United States.

Under prior Acts.
52 Stat. 447.

Ante, p. 1004.

SEC. 502. TAX OF SHAREHOLDERS OF PERSONAL SERVICE CORPORATIONS.

The Internal Revenue Code is amended by inserting after section 373 the following new Supplement:

53 Stat. 102.
26 U. S. C., Supp.
V, § 373.

"Supplement S—Tax of Shareholders of Personal Service Corporations

"SEC. 391. APPLICABILITY OF SUPPLEMENT.

"If a personal service corporation (as defined in section 725) is exempt under such section for any taxable year from the excess profits tax imposed by such subchapter, the provisions of this Supplement shall be applicable with respect to each shareholder of such corporation who was a shareholder in such corporation on the last day of such taxable year of the corporation.

Applicability of Supplement.
Ante, p. 987.

"SEC. 392. UNDISTRIBUTED SUPPLEMENT S NET INCOME.

"For the purposes of this chapter, the term 'undistributed Supplement S net income' means the Supplement S net income (as defined in section 393) minus the amount of the dividends paid during the

"Undistributed Supplement S net income."
Post, p. 1006.

53 Stat. 20.
26 U. S. C., Supp.
V, § 27 (d)-(i).

taxable year. For the purposes of this section the amount of dividends paid shall be computed in the same manner as provided in subsections (d), (e), (f), (g), (h), and (i) of section 27 for the purpose of the basic surtax credit provided in section 27.

“SEC. 393. SUPPLEMENT S NET INCOME.

“Supplement S net income” defined; exception.

“For the purposes of this chapter ‘Supplement S net income’ means the net income, except that there shall be allowed as additional deductions—

“(a) The Federal income tax payable under this chapter for the taxable year; and

53 Stat. 15.
26 U. S. C., Supp.
V, § 23 (q).

“(b) In lieu of the deduction allowed by section 23 (q), contributions or gifts, payment of which is made within the taxable year, to or for the use of donees described in section 23 (q) for the purposes therein specified, to an amount which does not exceed 15 per centum of the corporation’s net income, computed without the benefit of this subsection and section 23 (q).

“SEC. 394. CORPORATION INCOME TAXED TO SHAREHOLDERS.

General rule.

“(a) GENERAL RULE.—The undistributed Supplement S net income of a personal service corporation shall be included in the gross income of the shareholders in the manner and to the extent set forth in this Supplement.

Amount included in gross income.

“(b) AMOUNT INCLUDED IN GROSS INCOME.—Each shareholder who, on the last day of the taxable year of the corporation, was a shareholder in such corporation shall include in his gross income, as a dividend, for the taxable year in which or with which the taxable year of the corporation ends, the amount he would have received as a dividend if on such last day there had been distributed by the corporation, and received by the shareholders, an amount equal to the undistributed Supplement S net income of the corporation for its taxable year.

Credit for obligations of U. S., etc.
53 Stat. 5, 7, 8, 71,
72, 74, 99.

26 U. S. C., Supp.
V, § 11, 13, 14, 201, 204,
207, or 362.

53 Stat. 17.
26 U. S. C., Supp.
V, § 25 (a) (1) or (2).

Effect on capital account of personal service corporation.

“(c) CREDIT FOR OBLIGATIONS OF THE UNITED STATES AND ITS INSTRUMENTALITIES.—Each such shareholder shall be allowed a credit against net income, for the purposes of the tax imposed by section 11, 13, 14, 201, 204, 207, or 362, of his proportionate share of the interest specified in section 25 (a) (1) or (2) which is included in the gross income of the corporation.

“(d) EFFECT ON CAPITAL ACCOUNT OF PERSONAL SERVICE CORPORATION.—An amount equal to the undistributed Supplement S net income of the personal service corporation for its taxable year shall be considered as paid in as of the close of such taxable year as paid-in surplus or as a contribution to capital, and the accumulated earnings and profits as of the close of such taxable year shall be correspondingly reduced, if such amount or any portion thereof is required to be included as a dividend in the gross income of the shareholders.

Basis of stock in hands of shareholders.

“(e) BASIS OF STOCK IN HANDS OF SHAREHOLDERS.—The amount required to be included in the gross income of the shareholder under subsection (b) shall, for the purpose of adjusting the basis of his stock with respect to which the distribution would have been made (if it had been made), be treated as having been reinvested by the shareholder as a contribution to the capital of the corporation; but only to the extent to which such amount is included in his gross income in his return, increased or decreased by any adjustment of such amount in the last determination of the shareholder’s tax liability, made before the expiration of seven years after the date prescribed by law for filing the return.

Period of limitation on assessment and collection.

“(f) PERIOD OF LIMITATION ON ASSESSMENT AND COLLECTION.—For period of limitation on assessment and collection without assessment,

in the case of failure to include in gross income the amount properly includible therein under subsection (b), see section 275 (d).

53 Stat. 87.
26 U. S. C., Supp.
V, § 275 (d).
Infra.

"SEC. 395. NONRESIDENT ALIEN INDIVIDUALS AND FOREIGN CORPORATIONS.

"In the case of a shareholder taxable under section 211 (a) or 231 (a), his distributive share of the undistributed Supplement S net income of the corporation required to be included in the gross income shall be considered as a dividend received by him from sources within the United States.

53 Stat. 75, 78.
26 U. S. C., Supp.
V, §§ 211 (a), 231 (a).

"SEC. 396. SHAREHOLDER'S TAX PAID BY CORPORATION.

"If a personal service corporation is exempt for any taxable year under section 725 from excess profits tax, it shall, at the time of filing its return, pay to the collector an amount equal to the amount that would be required by section 143 (b) or section 144 to be deducted and withheld by the corporation if any amount required by this Supplement to be included in the gross income of the shareholder had been, on the last day of the taxable year of the corporation, paid to the shareholder in cash as a dividend. Such amount shall be collected and paid in the same manner as the amount of tax due in excess of that shown by the taxpayer upon a return in the case of a mathematical error appearing on the face of the return."

Ante, p. 987.

53 Stat. 61, 62.
26 U. S. C., Supp.
V, §§ 143 (b), 144.
Ante, p. 519.

SEC. 503. STATUTE OF LIMITATIONS IN CASE OF CONSTRUCTIVE DIVIDENDS.

Section 275 (d) of the Internal Revenue Code (relating to statute of limitations) is amended to read as follows:

"(d) CONSTRUCTIVE DIVIDENDS.—If the taxpayer omits from gross income an amount properly includible therein—

53 Stat. 87.
26 U. S. C., Supp.
V, § 275 (d).
Constructive dividends.

"(1) FOREIGN PERSONAL-HOLDING COMPANIES.—Under section 337 (b) (relating to the inclusion in the gross income of United States shareholders of their distributive shares of the undistributed Supplement P net income of a foreign personal-holding company); or

Foreign personal-holding companies.
53 Stat. 96.
26 U. S. C., Supp.
V, § 337 (b).
53 Stat. 92.

"(2) PERSONAL SERVICE CORPORATIONS.—Under section 394 (b) (relating to the inclusion in the gross income of shareholders of their distributive shares of undistributed Supplement S net income of a personal service corporation);

Personal service corporations.
Ante, p. 1005.

the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time within seven years after the return was filed."

SEC. 504. CREDIT OF NONRESIDENT ALIEN OF TAX AS SHAREHOLDER IN PERSONAL SERVICE CORPORATION.

Section 216 of the Internal Revenue Code (relating to credit against tax of a nonresident alien individual) is amended by adding at the end thereof a new sentence to read as follows: "A nonresident alien individual shall be allowed as a credit against his tax the amount required by section 396 to be paid by the personal service corporation of which he is a shareholder with respect to his tax liability under Supplement S."

53 Stat. 77.
26 U. S. C., Supp.
V, § 216.

Supra.

Ante, p. 1005.

SEC. 505. CREDIT OF FOREIGN CORPORATION OF TAX AS SHAREHOLDER IN PERSONAL SERVICE CORPORATION.

Section 234 of the Internal Revenue Code (relating to credits against tax of foreign corporations) is amended by adding at the end thereof a new sentence to read as follows: "A foreign corpora-

53 Stat. 79.
26 U. S. C., Supp.
V, § 234.

Ante, p. 1007.

Ante, p. 1005.

tion shall be allowed as a credit against its tax the amount required by section 396 to be paid by the personal service corporation of which it is a shareholder with respect to its tax liability under Supplement S.”.

SEC. 506. CHANGE OF NAME OF EXISTING EXCESS-PROFITS TAX.

53 Stat. 111.
26 U. S. C., Supp.
V, §§ 600-604.

(a) Subchapter B of Chapter 2 of the Internal Revenue Code is amended, effective February 10, 1939, by striking out, in the heading of such subchapter, “EXCESS-PROFITS TAX” and inserting in lieu thereof “DECLARED VALUE EXCESS-PROFITS TAX”, and by striking out, in the first paragraph of section 600 of such subchapter, “excess-profits tax” and inserting in lieu thereof “declared value excess-profits tax”.

53 Stat. 12.
26 U. S. C., Supp.
V, § 23 (c) (1).

(b) Section 23 (c) (1) of the Internal Revenue Code (relating to taxes not deductible in computing net income) is amended, effective February 10, 1939, to read as follows:

53 Stat. 111.
26 U. S. C., Supp.
V, §§ 600-603.

“(1) Federal income, war-profits, and excess-profits taxes (other than the excess-profits tax imposed by section 106 of the Revenue Act of 1935 (49 Stat. 1019), or by section 602 of the Revenue Act of 1938 (52 Stat. 567), and other than the declared value excess-profits tax imposed by section 600);”.

SEC. 507. PUBLICITY OF RETURNS OF SUBCHAPTER E EXCESS PROFITS TAX.

53 Stat. 29.
26 U. S. C., Supp.
V, § 55 (a) (2).

Section 55 (a) (2) of the Internal Revenue Code is amended by striking out “Subchapters A, B, and D of Chapter 2” and inserting in lieu thereof “Subchapters A, B, D, and E of Chapter 2”.

SEC. 508. TECHNICAL AMENDMENTS.

Limitation on as-
essment and collec-
tion.
53 Stat. 400.
26 U. S. C., Supp.
V, § 3312.

(a) **LIMITATION ON ASSESSMENT AND COLLECTION.**—Section 3312 of the Internal Revenue Code (relating to period of limitation on assessment and collection of taxes) is amended by striking out “Except in the case of income, estate, and gift taxes” and inserting in lieu thereof “Except in the case of income, war-profits, excess-profits, estate, and gift taxes”.

Abatement, credit,
and refund of taxes.

53 Stat. 464.
26 U. S. C., Supp.
V, § 3770 (a) (1).

(b) **ABATEMENT, CREDIT, AND REFUND OF TAXES.**—Section 3770 (a) (1) of the Internal Revenue Code (relating to authority to abate, credit, or refund tax) is amended by striking out “Except as otherwise provided by law in the case of income, estate, and gift taxes” and inserting in lieu thereof “Except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes”.

TITLE VI—NATIONAL SERVICE LIFE INSURANCE AND PROVISIONS AFFECTING THE RAILROAD RETIREMENT BOARD

National Service
Life Insurance Act of
1940.

Part I—National Service Life Insurance

SEC. 601. When used in this part—

“Person” defined.

(a) The term “person” means (1) a commissioned officer; (2) a warrant officer; (3) enlisted personnel (including persons selected for training and service under the Selective Training and Service Act of 1940); (4) a member of the Army Nurse Corps (female); and (5) a member of the Navy Nurse Corps (female);

Ante, p. 885.

“Administrator.”

(b) The term “Administrator” means the Administrator of Veterans’ Affairs;

(c) The term "active service" means active service in the land or naval forces (including the Coast Guard) of the United States and service in the land or naval forces of the United States under the Selective Training and Service Act of 1940, but the service of any person ordered to active duty in any such force for a period of thirty days or less, shall not be deemed to be active service in such force during such period;

"Active service."

Ante, p. 885.

(d) The term "insurance" means National Service Life Insurance;

"Insurance."

(e) The term "child" includes an adopted child.

"Child."

Persons eligible for such insurance.

SEC. 602. (a) Every person who is commissioned and hereafter ordered into, or who is hereafter examined, accepted, and enrolled in, the active service and while in such active service shall, upon application in writing (made within one hundred and twenty days after entrance into such active service) and payment of premiums as hereinafter provided and without further medical examination, be granted insurance on the five-year level premium term plan by the United States against the death of such person occurring while such insurance is in force.

Persons released from active service.

(b) Any person who is released from active service within one hundred and twenty days after such enrollment shall be granted such insurance upon application therefor in writing (made within one hundred and twenty days after a subsequent enrollment or entrance into active service and before discharge or resignation therefrom), and upon payment of premiums and evidence satisfactory to the Administrator showing such person to be in good health at the time of such application.

Reenlistment, etc.

(c) Any person upon reenlistment or reentrance into or reemployment in active service and before discharge or resignation therefrom and any person in the active service upon discharge to accept a commission and before resignation therefrom, shall be granted such insurance upon application therefor in writing (made within one hundred and twenty days following such reenlistment, reentrance, reemployment, or discharge to accept a commission), and upon payment of premiums and evidence satisfactory to the Administrator showing such person to be in good health at the time of such application.

(d) Any person who has been commissioned, or examined, accepted, and enrolled, in the active service and is in such active service on the date of enactment of this Act shall be granted such insurance upon application therefor in writing (made within one hundred and twenty days after the date of enactment of this Act and before discharge or resignation from such active service), and upon payment of premiums and evidence satisfactory to the Administrator showing such person to be in good health at the time of such application.

Persons in active service on date of enactment of this Act.

(e) The premium rates for such insurance shall be the net rates based upon the American Experience Table of Mortality and interest at the rate of 3 per centum per annum. All cash, loan, paid up, and extended values, and all other calculations in connection with such insurance, shall be based upon said American Experience Table of Mortality and interest at the rate of 3 per centum per annum.

Premium rates.

(f) Such insurance shall be issued upon the five year level premium term plan, with the privilege of conversion as of the date when any premium becomes or has become due, or exchange as of the date of the original policy, upon payment of the difference in reserve, at any time after such policy has been in effect for one year and within the five year term period, to policies of insurance upon the following plans: Ordinary life, twenty payment life, thirty payment life. All five year level premium term policies shall cease and terminate at the expiration of the five year term period. Provisions for cash, loan,

Issuance upon term plan; conversion.

paid up, and extended values, dividends from gains and savings, refund of unearned premiums, and such other provisions as may be found to be reasonable and practicable, may be provided for in the policy of insurance or from time to time by regulations promulgated by the Administrator.

Beneficiary.

(g) The insurance shall be payable only to a widow, widower, child (including a stepchild or an illegitimate child if designated as beneficiary by the insured), parent (including person in loco parentis if designated as beneficiary by the insured), brother or sister of the insured. The insured shall have the right to designate the beneficiary or beneficiaries of the insurance, but only within the classes herein provided, and shall, subject to regulations, at all times have the right to change the beneficiary or beneficiaries of such insurance without the consent of such beneficiary or beneficiaries but only within the classes herein provided.

Payments.

(h) Such insurance shall be payable in the following manner:

(1) If the beneficiary to whom payment is first made is under thirty years of age at the time of maturity, in two hundred and forty equal monthly installments.

(2) If the beneficiary to whom payment is first made is thirty or more years of age at the time of maturity, in equal monthly installments for one hundred and twenty months certain, with such payments continuing during the remaining lifetime of such beneficiary.

(3) Any installments certain of insurance remaining unpaid at the death of any beneficiary shall be paid in equal monthly installments in an amount equal to the monthly installments paid to the first beneficiary, to the person or persons then in being within the classes hereinafter specified and in the order named, unless designated by the insured in a different order—

(A) to the widow or widower of the insured, if living;

(B) if no widow or widower, to the child or children of the insured, if living, in equal shares;

(C) if no widow, widower, or child, to the parent or parents of the insured, if living, in equal shares;

(D) if no widow, widower, child, or parent, to the brothers and sisters of the insured, if living, in equal shares.

Determination of beneficiary if none designated, etc.

(i) If no beneficiary is designated by the insured or if the designated beneficiary does not survive the insured, the beneficiary shall be determined in accordance with the order specified in subsection (h) (3) of this section and the insurance shall be payable in equal monthly installments in accordance with subsection (h) (1) or (2), as the case may be. The right of any beneficiary to payment of any installments shall be conditioned upon his or her being alive to receive such payments. No person shall have a vested right to any installment or installments of any such insurance and any installments not paid to a beneficiary during such beneficiary's lifetime shall be paid to the beneficiary or beneficiaries within the permitted class next entitled to priority, as provided in subsection (h).

Restriction on installment payments.

(j) No installments of such insurance shall be paid to the heirs or legal representatives as such of the insured or of any beneficiary, and in the event that no person within the permitted class survives to receive the insurance or any part thereof no payment of the unpaid installments shall be made.

Monthly payments less than \$5.

(k) When the amount of an individual monthly payment is less than \$5, such amount may, in the discretion of the Administrator, be allowed to accumulate without interest and be disbursed annually.

Payments to designated persons.

(l) Any payments of insurance made to a person represented by the insured to be within the permitted class of beneficiaries shall be

deemed to have been properly made and to satisfy fully the obligation of the United States under such insurance policy to the extent of such payments.

(m) The Administrator shall, by regulations, prescribe the time and method of payment of the premiums on such insurance, but payments of premiums in advance shall not be required for periods of more than one month each, and may at the election of the insured be deducted from his active service pay or be otherwise made.

(n) Upon application by the insured and under such regulations as the Administrator may promulgate, payment of premiums on such insurance may be waived during continuous total disability of the insured which commenced subsequent to the effective date of such insurance and which has existed for six consecutive months or more prior to the attainment by the insured of the age of sixty years, effective as of the due date of the monthly premium becoming payable on or after the first day of the seventh consecutive month of such disability: *Provided*, That application for waiver is made while the insurance is currently kept in force by the payment of premiums, and the insured furnishes proof satisfactory to the Administrator showing that he is and has been continuously totally disabled for six or more months prior to attaining sixty years of age. Any waiver granted by the Administrator under this subsection shall not become effective prior to the date of application therefor; except that, in the discretion of the Administrator, it may be made effective at any time within a period of not more than six months prior to such date but in no event prior to the first day of the seventh month of such continuous disability. Any premiums tendered to cover a period during which such waiver is effective shall be refunded. The Administrator shall provide by regulations for reexaminations of beneficiaries under this subsection and, in the event that it is found that an insured is no longer totally disabled, the waiver of premiums shall cease as of the date of such finding and the policy of insurance may be continued by payment of premiums as provided in said policy. Premium rates shall be calculated without charge for the cost of the waiver of premiums herein provided and no deduction from benefits otherwise payable shall be made on account thereof.

(o) The Administrator shall promptly determine and publish the terms and conditions of such insurance. Pending the promulgation of the terms and conditions of the five year level premium term policy and the printing of such policy, the Administrator may issue a certificate in lieu thereof as evidence that insurance has been granted and the rights and liabilities of the applicant and of the United States shall be those specified by the terms and conditions of the policy when published.

(p) Such insurance may be made effective, as specified in the application, not later than the first day of the calendar month following the date of application therefor, but the United States shall not be liable thereunder for death occurring prior to such effective date.

(q) Such insurance shall be issued in any multiple of \$500 and the amount of such insurance with respect to any one person shall be not less than \$1,000 or more than \$10,000.

SEC. 603. No person may carry a combined amount of National Service Life Insurance and United States Government life insurance in excess of \$10,000 at any one time.

SEC. 604. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this part, to be known as the National Service Life Insurance appropriation, for the payment of

Payment of pre-
miums.

Waiver of pre-
miums.

Proviso.
Conditions.

Reexaminations of
beneficiaries.

Promulgation of
terms, etc.

Effective date.

Multiple and
amount.

Combined amount,
maximum.

National Service
Life Insurance appro-
priation.

Payments.	liabilities under National Service Life Insurance. Payments from this appropriation shall be made upon and in accordance with awards by the Administrator.
National Service Life Insurance Fund.	SEC. 605. (a) There is hereby created in the Treasury a permanent trust fund to be known as the National Service Life Insurance Fund. All premiums paid on account of National Service Life Insurance shall be deposited and covered into the Treasury to the credit of such fund, which, together with interest earned thereon, shall be available for the payment of liabilities under such insurance, including payment of dividends and refunds of unearned premiums. Payments from this fund shall be made upon and in accordance with awards by the Administrator.
Payments.	
Reserve amounts.	(b) The Administrator is authorized to set aside out of such fund such reserve amounts as may be required under accepted actuarial principles, to meet all liabilities under such insurance; and the Secretary of the Treasury is hereby authorized to invest and reinvest such fund, or any part thereof, in interest-bearing obligations of the United States or in obligations guaranteed as to principal and interest by the United States, and to sell such obligations for the purposes of such fund.
Cost of administration.	SEC. 606. The United States shall bear the cost of administration in connection with this part, including expenses for medical examinations, printing and binding, and for such other expenditures as are necessary in the discretion of the Administrator. The appropriations made for the Veterans' Administration for the fiscal year 1941 for administrative expenses shall be available for the payment of such costs of administration under this part.
Funds available. <i>Ante</i> , p. 139.	
Excess mortality cost, etc.	SEC. 607. (a) The United States shall bear the excess mortality cost and the cost of waiver of premiums on account of total disability traceable to the extra hazard of military or naval service, as such hazard may be determined by the Administrator.
Benefits where death traceable to extra hazard of service.	(b) Whenever benefits under such insurance become payable because of the death of the insured as the result of disease or injury traceable to the extra hazard of military or naval service, as such hazard may be determined by the Administrator, the liability for payment of such benefits shall be borne by the United States in an amount which, when added to the reserve of the policy at the time of death of the insured, will equal the then value of such benefits under such policy. The Administrator is authorized and directed to transfer from time to time from the National Service Life Insurance appropriation to the National Service Life Insurance Fund such sums as may be necessary to carry out the provisions of this section.
Transfer of sums.	
Transfer of amounts to cover waiver of premiums. <i>Ante</i> , p. 1011.	(c) Whenever the premiums under such insurance are waived as provided in section 602 (n) because of the total disability of the insured as the result of disease or injury traceable to the extra hazard of military or naval service, as such hazard may be determined by the Administrator, the premiums so waived shall be paid by the United States and the Administrator is authorized and directed to transfer from time to time an amount equal to the amount of such premiums from the National Service Life Insurance appropriation to the National Service Life Insurance Fund.
Authority of Administrator.	SEC. 608. The Administrator, subject to the general direction of the President, shall administer, execute and enforce the provisions of this part, shall have power to make such rules and regulations, not inconsistent with the provisions of this part, as are necessary or appropriate to carry out its purposes, and shall decide all questions arising hereunder. All officers and employees of the Veterans' Administration shall perform such duties in connection with the administration of this part as may be assigned to them by the Administrator. All official
Veterans' Administration employees.	

acts performed by such officers or employees designated therefor by the Administrator shall have the same force and effect as though performed by the Administrator in person. Except in the event of suit as provided in section 617 hereof, all decisions rendered by the Administrator under the provisions of this part, or regulations issued pursuant thereto, shall be final and conclusive on all questions of law and fact, and no other official or court of the United States shall have jurisdiction to review by motion or otherwise any such decision.

SEC. 609. (a) There shall be no recovery of payments made under this part from any person who, in the judgment of the Administrator, is without fault on his part and where, in the judgment of the said Administrator, such recovery would defeat the purpose of benefits otherwise authorized herein or would be against equity and good conscience. No disbursing officer or certifying officer shall be held liable for any amount paid to any person where the recovery of such amount is waived under this section.

(b) Where, under the provisions of this section, the recovery of a payment made from the National Service Life Insurance Fund is waived, the National Service Life Insurance Fund shall be reimbursed for the amount of such payment from the current appropriation for National Service Life Insurance.

SEC. 610. No State law providing for presumption of death shall be applicable to claims for National Service Life Insurance. If evidence satisfactory to the Administrator is produced establishing the fact of the continued and unexplained absence of any individual from his home and family for a period of seven years, during which period no evidence of his existence has been received, the death of such individual as of the date of the expiration of such period may, for the purposes of this part, be considered as sufficiently proved.

SEC. 611. No United States Government life insurance shall be granted hereafter to any person under the provisions of section 300 of the World War Veterans' Act, 1924, as amended: *Provided*, That this section shall not be construed to prohibit the issue of United States Government life insurance policies in cases in which acceptable applications accompanied by proper and valid remittances or authorizations for the payment of premiums have, prior to the date of enactment of this Act, been received by the Veterans' Administration or which have, prior to said date, been placed in the mails properly directed to said Veterans' Administration, or been delivered to an authorized representative of the War Department, the Navy Department, or the Coast Guard, and which are forwarded to the Veterans' Administration not later than one hundred and twenty days subsequent to said date.

SEC. 612. Any person guilty of mutiny, treason, spying, or desertion, or who, because of conscientious objections, refuses to perform service in the land or naval forces of the United States or refuses to wear the uniform of such force, shall forfeit all rights to insurance under this part. No insurance shall be payable for death inflicted as a lawful punishment for crime or for military or naval offense, except when inflicted by an enemy of the United States; but the cash surrender value, if any, of such insurance on the date of such death shall be paid to the designated beneficiary; if living, or otherwise to the beneficiary or beneficiaries within the permitted class in accordance with the order specified in section 602 (h) (3).

SEC. 613. Whoever in any claim for insurance issued under the provisions of this part makes any sworn statement of a material fact knowing it to be false, shall be guilty of perjury and shall, upon conviction thereof, be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or by both such fine and imprisonment.

Post, p. 1014.

Recovery of payments.

Reimbursement where recovery waived.

Inapplicability of State law providing for presumption of death.

U. S. Government life insurance.
43 Stat. 624.
38 U. S. C. § 511.
Proviso.
Applications received prior to enactment.

Forfeiture of rights to insurance.

Ante, p. 1010.

Perjury.

Penalty.

Fraud.

SEC. 614. Whoever, with intent to defraud the United States or any beneficiary of such insurance, shall obtain or receive any money or check for National Service Life Insurance without being entitled to the same, shall, upon conviction thereof, be punished by a fine of not more than \$2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Penalty.

False or fraudulent affidavits, etc.

SEC. 615. Any person who shall knowingly make or cause to be made, or conspire, combine, aid, or assist in, agree to, arrange for, or in any wise procure the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, or writing purporting to be such, concerning any application for insurance or reinstatement thereof, waiver of premiums or claim for benefits under National Service Life Insurance for himself or any other person, shall, upon conviction thereof, be punished by a fine of not more than \$1,000, or imprisonment for not more than one year, or by both such fine and imprisonment.

Penalty.

Application of existing laws.

38 U. S. C., Supp. V, § 450.
49 Stat. 2031, 2033.
38 U. S. C., Supp. V, §§ 101-104, 131-134.

SEC. 616. The provisions of Public Law Numbered 262, Seventy-fourth Congress, approved August 12, 1935 (49 Stat. 607), and titles II and III of Public Law Numbered 844, Seventy-fourth Congress, approved June 29, 1936 (49 Stat. 2031), insofar as they are applicable, shall apply to the provisions of this part.

Suit.
Post, p. 1197, § 11.

SEC. 617. In the event of a disagreement as to claim arising under this part, suit may be brought in the same manner and subject to the same conditions and limitations as are applicable to United States Government (converted) life insurance under the provisions of sections 19 and 500 of the World War Veterans' Act, 1924, as amended: *Provided*, That in any such suit the decision of the Administrator as to waiver or non-waiver of premiums under section 602 (n) shall be conclusive and binding on the court.

43 Stat. 612, 628.
38 U. S. C. §§ 445, 551;
Supp. V, §§ 445, 551.
Proviso.
Decision of Administrator.
Ante, p. 1011.

Citation of Part I.

SEC. 618. This part may be cited as the "National Service Life Insurance Act of 1940".

Part II—Crediting Military Service for Annuity Purposes Under the Railroad Retirement Acts

Railroad Retirement Act of 1937, amendments.

45 U. S. C., Supp. V, § 228c.

SEC. 625. The Act entitled "An Act to amend an Act entitled 'An Act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes', approved August 29, 1935," approved June 24, 1937 (50 Stat. 307), is hereby amended by inserting after section 3 the following new section:

"MILITARY SERVICE

Inclusion of military service for annuity purposes.

"SEC. 3A. (a) For the purposes of determining eligibility for an annuity and computing an annuity, including a minimum annuity, there shall also be included in an individual's years of service, within the limitations hereinafter provided in this section, voluntary or involuntary military service of an individual prior to January 1, 1937, within or without the United States during any war service period: *Provided, however*, That such military service shall be included only subject to and in accordance with the provisions of subsection (b) of section 3, in the same manner as though military service were service rendered as an employee: *Provided further*, That an individual who entered military service prior to a war service period shall not be regarded as having been in military service in a war service period with respect to any part of the period for which he entered such military service.

Provisos.
Limitation.
50 Stat. 310.
45 U. S. C., Supp. V, § 228c (b).
Military service prior to war service period.

"Military service."
50 Stat. 318.
45 U. S. C., Supp. V, §§ 215-228 (note).

"(b) For the purpose of this section and section 202, as amended, an individual shall be deemed to have been in 'military service' when commissioned or enrolled in the active service of the land or naval

forces of the United States and until resignation or discharge therefrom; and the service of any individual in any reserve component of the land or naval forces of the United States who was ordered to active duty in any such force for a period of thirty days or less shall be deemed to have been active service in such force during such period.

“(c) For the purpose of this section and section 202, as amended, a ‘war service period’ shall mean (1) any war period, or (2) with respect to any particular individual, any period during which such individual (i) having been in military service at the end of a war period, was required to continue in military service, or (ii) was required by any Act of Congress, any regulation promulgated, order issued, or proclamation made, in pursuance of such Act, to enter and continue in military service.

“War service period,”
60 Stat. 318.
45 U. S. C. Supp.
V, §§ 215-228 (note).

“(d) For the purpose of this section and section 202, as amended, a ‘war period’ shall be deemed to have begun on whichever of the following dates is the earliest: (1) the date on which the Congress of the United States declared war; or (2) the date as of which the Congress of the United States declared that a state of war has existed; or (3) the date on which war was declared by one or more foreign states against the United States; or (4) the date on which any part of the United States or any territory under its jurisdiction was invaded or attacked by any armed force of one or more foreign states; or (5) the date on which the United States engaged in armed hostilities for the purpose of preserving the Union or of maintaining in any State of the Union a republican form of government.

“War period,” date
of beginning.

“(e) For the purpose of this section and section 202, as amended, a ‘war period’ shall be deemed to have ended on the date on which hostilities ceased.

“War period,” date
of ending.

“(f) Military service shall not be included in the years of service of an individual unless, in the calendar year in which his military service in a war service period began, or in the calendar year next preceding such calendar year, he rendered service for compensation to an employer, or to a person service to which is otherwise creditable under this Act, or lost time as an employee for which he received remuneration, or was serving as an employee representative.

Military service
credits.

“(g) A calendar month in which an individual was in military service which may be included in the individual's years of service or service period, as the case may be, shall be counted as a month of service: *Provided, however,* That no calendar month shall be counted as more than one month of service.

Counting of calendar
month as a month
of service.

Proviso.
Limitation.

“(h) In determining the monthly compensation for computing an annuity, military service and any remuneration therefor shall be disregarded.

Monthly compensation
for computation
of annuity.

“(i) In the event military service is or has been used as the basis or as a partial basis for a pension, disability compensation, or any other gratuitous benefits payable on a periodic basis under any other Act of Congress, any annuity under this Act or the Railroad Retirement Act of 1935, which is based in part on such military service and is with respect to a calendar month for all or part of which such pension or other benefit is also payable, shall be reduced with respect to that month by the proportion which the number of years of service by which such military service increases the years of service, or the service period, as the case may be, bears to the total years of service, or by the aggregate amount of such pension or other benefit with respect to that month, whichever would result in the smaller reduction.

Annuity based in
part on military service.

49 Stat. 967.
45 U. S. C., Supp.
V, §§ 215-228.

“(j) Any department or agency of the United States maintaining records of military service, at the request of the Board, shall certify to the Board, with respect to any individual, the number of months of military service which such department or agency finds the indi-

Certification of mili-
tary service.

Certification of
amounts of pension,
etc.

Proviso.
Recertification.

Annuities.
Ante, p. 974; *post*, p.
1018.

49 Stat. 967.
45 U. S. C., Supp.
V, §§ 215-228.

Increased annuity
based on military
service.
Ante, p. 974.
49 Stat. 967.
45 U. S. C., Supp.
V, §§ 215-228.

Provisos.
Joint and survivor
annuity.

Effective date of in-
crease.

vidual to have had during any period or periods with respect to which the Board's request is made, the date and manner of entry into such military service, and the conditions under which such service was continued. Any department or agency of the United States which is authorized to make awards of pensions, disability compensation, or any other gratuitous benefits or allowances payable, on a periodic basis or otherwise, under any other Act of Congress on the basis of military service, at the request of the Board, shall certify to the Board, with respect to any individual, the calendar months for all or part of which any such pension, compensation, benefit, or allowance is payable to, or with respect to, the individual, the amounts of any such pension, compensation, benefit, or allowance, and the military service on which such pension, compensation, benefit, or allowance is based. Any certification made pursuant to the provisions of this subsection shall be conclusive on the Board: *Provided*, That if evidence inconsistent with any such certification is submitted, and the claim is in the course of adjudication or is otherwise open for such evidence, the Board shall refer such evidence to the department or agency which made the original certification and such department or agency shall make such recertification as in its judgment the evidence warrants. Such recertification, and any subsequent recertification, shall be conclusive, made in the same manner, and subject to the same conditions as an original certification.

"(k) In the event that an individual was, on or before the date of enactment of the Second Revenue Act of 1940, denied an annuity but could have been granted an annuity under the provisions of this Act or the Railroad Retirement Act of 1935 had military service been included in his years of service or service period, as the case may be, no annuity shall be payable with respect to such individual, or with respect to his death, by reason of the provisions of this section, unless such individual files a new application with the Board. In determining the earliest date upon which an annuity can begin to accrue for such an individual in accordance with the provisions of section 2, the filing date of the application shall be the date on which such new application is filed.

"(l) An individual who, on or before the date of enactment of the Second Revenue Act of 1940, was awarded an annuity under the provisions of this Act or the Railroad Retirement Act of 1935, but whose annuity would have been increased if his military service had been included in his years of service or service period, as the case may be, may, notwithstanding the previous award of an annuity, make application (in such manner and form as may be prescribed by the Board) for an increase in such annuity based on his military service. Upon the filing of such application, if the Board finds that the military service thus claimed is creditable and would result in an increase in the annuity, the Board, notwithstanding the previous award, shall recertify the annuity on an increased basis in the same manner as though this section had been in effect at the time of the original certification: *Provided, however*, That if the annuity previously awarded is a joint and survivor annuity, the increased annuity shall be a joint and survivor annuity of the same type except that if on the date the increase begins to accrue the individual has no spouse for whom the election of the joint and survivor annuity was made, the increase on a single life basis shall be added to the individual's annuity: *And provided further*, That such increase in the annuity shall not begin to accrue more than sixty days before the filing date of the application for an increase in the annuity based on military service, and in the event the annuity is a joint and survivor annuity, the actuarial value of the increase in annuity shall be computed as of the effective date of the increase.

"(m) In addition to the amount authorized to be appropriated in subsection (a) of section 15 of this Act, there is hereby authorized to be appropriated to the Railroad Retirement Account for each fiscal year, beginning with the fiscal year ending June 30, 1941, an amount sufficient to meet the additional expenditures necessary to be made during each such fiscal year by reason of crediting under the Railroad Retirement Acts military service prior to January 1, 1937. The Railroad Retirement Board, as promptly as practicable after the date of enactment of the Second Revenue Act of 1940, and thereafter annually, shall submit to the Bureau of the Budget estimates of such military service appropriations to be made to the account in addition to the annual estimates by the Board, in accordance with subsection (a) of section 15 of this Act, of the appropriations to be made to the account to provide for the payment of annuities, pensions and death benefits not based on military service. Each such estimate shall take into account the excess or the deficiency, if any, in such military service appropriation for the preceding fiscal year."

SEC. 626. Section 202 of such Act of June 24, 1937, is hereby amended by inserting immediately after the second proviso of such section the following new proviso: "*And provided further*, That for the purposes of determining eligibility for an annuity and computing an annuity there shall also be included in an individual's service period, subject to and in accordance with subsections (a) to (l), inclusive, of section 3A of this Act, voluntary or involuntary military service of an individual prior to January 1, 1937, within or without the United States during any war service period, if, in the calendar year in which his military service in a war service period began, or in the calendar year next preceding such calendar year, he was in the compensated service of a carrier, or of a person service to which is otherwise creditable, or was serving as a representative; but such military service shall be included only subject to and in accordance with the provisions of the Railroad Retirement Act of 1935, in the same manner as though military service were service rendered as an employee:."

Additional annual appropriations authorized.
50 Stat. 316.
45 U. S. C., Supp. V, § 228 (o).

Submittal of estimates.
Ante, p. 974.

50 Stat. 318.
45 U. S. C., Supp. V, § 215.

Proviso.
Determination of eligibility for annuity; computation.

Ante, pp. 1014-1016.

49 Stat. 967.
45 U. S. C., Supp. V, §§ 215-223.

TITLE VII—CREDIT AGAINST FEDERAL UNEMPLOYMENT TAXES

SEC. 701. CREDIT AGAINST FEDERAL UNEMPLOYMENT TAXES.

(a) ALLOWANCE OF CREDIT.—Against the tax imposed by section 901 of the Social Security Act for the calendar year 1936, 1937, or 1938, or against the tax imposed by the Federal Unemployment Tax Act for the calendar year 1939, any taxpayer shall be allowed credit for the amount of contributions paid by him into an unemployment fund under a State law—

Allowance of credit.
49 Stat. 639.
42 U. S. C., Supp. V, § 1101.
53 Stat. 183, 1396.
26 U. S. C., Supp. V, §§ 1600-1611.

(1) Before the sixtieth day after the date of the enactment of this Act;

(2) On or after such sixtieth day (except in the case of the tax for the calendar year 1939) with respect to wages paid after the fortieth day after such date of enactment;

(3) Without regard to the date of payment, if the assets of the taxpayer are, at any time during the fifty-nine-day period following such date of enactment, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction.

The amount of such credit, in the case of contributions with respect to the calendar year 1939 paid after the last day upon which the tax-

53 Stat. 186, 1396.
26 U. S. C., Supp.
V, § 1604.

49 Stat. 620.
42 U. S. C., Supp.
V, ch. 7.

53 Stat. 183, 1396.
26 U. S. C., Supp.
V, §§ 1600-1611.

49 Stat. 639.
42 U. S. C., Supp.
V, §§ 1101-1110.

49 Stat. 639.
42 U. S. C., Supp.
V, § 1101.
53 Stat. 183, 1396.
26 U. S. C., Supp.
V, § 1600.

Refund.

payer was required under section 1604 of the Federal Unemployment Tax Act to file a return for such year, shall not exceed 90 per centum of the amount which would have been allowable as credit on account of such contributions had they been paid on or before such last day. The provisions of the Social Security Act in force prior to February 11, 1939 (except the provision limiting the credit to amounts paid before the date of filing returns) shall, with respect to the tax for the calendar year 1936, 1937, or 1938, apply to allowance of credit under this section, and the provisions of the Federal Unemployment Tax Act (except section 1601 (a) (3)) shall, with respect to the tax for the calendar year 1939, apply to allowance of credit under this section. The terms used in this subsection shall, with respect to the tax for the calendar year 1936, 1937, or 1938, have the same meaning as when used in title IX of the Social Security Act prior to February 11, 1939, and shall, with respect to the tax for the calendar year 1939, have the same meaning as when used in the Federal Unemployment Tax Act. The total credit allowable against the tax imposed by section 901 of the Social Security Act for the calendar year 1936, 1937, or 1938, or against the tax imposed by section 1600 of the Federal Unemployment Tax Act for the calendar year 1939, shall not exceed 90 per centum of such tax.

(b) REFUND.—Refund of the tax (including penalty and interest collected with respect thereto, if any), based on any credit allowable under this section, may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund.

Approved, October 8, 1940, 11 p.m., E. S. T.

[CHAPTER 758]

JOINT RESOLUTION

October 8, 1940
[H. J. Res. 603]
[Pub. Res., No. 101]

To authorize the United States Maritime Commission to furnish to the State of Pennsylvania a vessel suitable for the use of the Pennsylvania State nautical school, and for other purposes.

Pennsylvania State
Nautical School.
Furnishing vessel
to.

Supply of vessel
by any Government
agency.

Proviso.

Vessel to remain
U. S. property.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Maritime Commission is authorized, under such rules and regulations as it may prescribe, to furnish to the State of Pennsylvania for use by the Pennsylvania State nautical school a vessel suitable for merchant marine training, together with all her apparel, charts, books, and instruments of navigation.

SEC. 2. Any department or independent agency of the Government is hereby authorized, notwithstanding any other provision of law, to supply a suitable vessel for such use by the United States Maritime Commission: *Provided*, That the same can be spared without detriment to the service to which it is assigned.

SEC. 3. Any vessel furnished under the authority of this joint resolution shall be and remain the property of the United States and shall be maintained in good repair by the United States Maritime Commission.

Approved, October 8, 1940.

[CHAPTER 759]

AN ACT

To amend the Agricultural Adjustment Act of 1933.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "Agricultural Adjustment Act", approved May 12, 1933, as amended, is further amended by striking out the whole of section 8f, title I, part 2, and substituting in lieu thereof the following:

"SEC. 8f. No person operating a public warehouse for the storage of any basic agricultural commodity in the current of interstate or foreign commerce shall deliver any such commodity upon which a warehouse receipt has been issued and is outstanding without prior surrender and cancelation of such warehouse receipt, except that any person operating a country public grain warehouse or warehouses may, because of lack of sufficient space to accommodate all depositors, move storage grain out of such warehouse or warehouses to another warehouse for continuous storage, under such regulations as the Secretary of Agriculture may prescribe. A non-negotiable warehouse receipt shall be issued by the warehouseman to whom the grain was shipped, and said receiving warehouseman shall give such guaranty and shall store such grain under such regulations as the Secretary of Agriculture may prescribe to assure delivery to the rightful owner of such grain in the amount, and of the kind, quality, and grade called for by his receipts. Any warehouseman who intends to ship grain while his original receipt is outstanding must recite in his receipt both the name and address of his warehouse as well as that of the warehouse to which the grain may be shipped for further storage. All grain shipped under this section must be shipped under a non-negotiable bill of lading. Any person violating any of the provisions of this subsection shall, upon conviction, be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or both. This Act shall not be construed as amending or changing in any manner the United States Warehouse Act of August 11, 1916, as amended".

Approved, October 8, 1940.

October 8, 1940
[H. R. 6480]
[Public, No. 802]

Agricultural Adjust-
ment Act, amend-
ment.
48 Stat. 35; 49 Stat.
762.
7 U. S. C. § 608 (5);
Supp. V, § 608f.
Removal of com-
modity from ware-
house without can-
celation of receipt.

Issuance of non-
negotiable warehouse
receipt.

Recitation in orig-
inal receipt.

Penalty.

39 Stat. 486.
7 U. S. C. §§ 241-273.

[CHAPTER 760]

AN ACT

To re-form the lease for the Sellwood station of the Portland (Oregon) post office.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 6 of the lease entered into on November 29, 1935, by and between Flora Noble and W. F. Noble, her husband, and the United States of America is, in order to correct a mutual mistake and to effectuate the intention of the parties to the lease at the time of its making, hereby re-formed, from the date of the execution of the lease and for its entire term of ten years, to read as follows:

"6. The Lessor shall furnish to the Government, during the occupancy of said premises, under the terms of this lease, as part of the rental consideration, the following: Said room, fitted and supplied by the Lessor with the present equipment consisting of all boxes, fixtures and furniture requisite to make the said room or rooms in every way satisfactory for use as a post office, provided that after acceptance of such equipment no additional equipment shall be required except for replacements. The Lessor shall keep the said boxes, fixtures and furniture in good repair and condition, to the satisfaction of the Post Office Department. The Lessor shall pay all taxes and water rates, and shall have this lease duly recorded, and

October 8, 1940
[H. R. 8069]
[Public, No. 803]

Portland, Oreg.,
post office.
Re-formation of
lease for Sellwood
Station.

shall properly protect all windows and doors in the workroom by iron bars or wire gratings according to requirements. The Lessor shall furnish approved heating and lighting fixtures, plumbing and toilet facilities as now installed, the necessary water and electric meters; satisfactory heat, light, power, water, and janitor service, to the extent of caring for the heating plant and the cleaning of windows when required, but all other work requiring the services of a janitor to be assumed and provided by the Lessee. The Lessor shall keep the said heating and lighting fixtures, plumbing and toilet facilities, in satisfactory repair and condition during the term of this lease."

Amendment of records.
Liability for janitor service.

Ante, p. 73.

SEC. 2. The Post Office Department, the General Accounting Office, and all concerned shall amend their records accordingly, discharging the Lessor from any alleged liability for janitor service other than as undertaken in the lease as herein re-formed and making proper allowances to the postmaster at Portland, Oregon, for expenditures made by him in supplying those janitory services not imposed by the re-formed lease upon the Lessor. So much of the amount heretofore expended by the postmaster for janitor services not covered by the re-formed lease, as may not be charged to the appropriation for the fiscal years affected, because of lapse of appropriation, or otherwise, may be charged to the current appropriation "For miscellaneous items necessary and incidental to the operation and protection of post offices of the first and second classes, and the business conducted in connection therewith, not provided for in other appropriations". Hereafter, obligations arising against the United States for janitor services pursuant to the re-formed lease shall be charged to the aforesaid appropriation for the appropriate fiscal year.

Approved, October 8, 1940.

[CHAPTER 761]

AN ACT

October 8, 1940
[H. R. 8124]
[Public, No. 804]

To provide funds for cooperation with public-school districts (organized and unorganized) in Mahnomen, Itasca, Pine, Saint Louis, Clearwater, Koochiching, and Becker Counties, Minnesota, in the construction, improvement, and extension of school facilities to be available to both Indian and white children.

Minnesota.
Appropriation authorized for cooperating with designated school districts.

Provisos.
Availability of schools to Indian children.

Plans and specifications.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$120,500 for the purpose of cooperating with the following public-school districts (both organized and unorganized) in the State of Minnesota, such appropriation to be apportioned as follows: Naytahwaush, Independent School District Numbered 29, Mahnomen County, \$19,000; Inger, District Numbered 6 (Deer River), Itasca County, \$7,000; Lake Lena, District Numbered 2, Pine County, \$12,500; Vermillion Lake, Tower-Soudan District, Saint Louis County, \$7,000; Beaulieu, unorganized district, Mahnomen County, \$12,500; Jack Pine, unorganized district, Clearwater County, \$7,000; Nett Lake, unorganized district, Saint Louis-Koochiching Counties, \$37,500; Pine Point, unorganized district, Becker County, \$3,000; Squaw Point, unorganized district, Cass County, \$15,000; for the construction, extension, equipment, and improvement of public-school facilities: *Provided*, That the expenditure of any money so authorized shall be subject to the express conditions that the schools maintained by these said districts in any buildings constructed or improved with such money shall be available to all Indian children of the districts, on the same terms, except as to payment of tuition, as other children of said school districts: *Provided further*, That plans and specifications for construction, extension, or improve-

ment of structures shall be furnished by local or State authorities without cost to the United States Government, and, upon approval thereof by the Commissioner of Indian Affairs, actual work shall proceed under the direction of such local or State officials. Payment for work in place shall be made monthly on vouchers properly certified by local officials of the Indian Service: *Provided further*, That funds appropriated pursuant to this Act may be used as sponsors' contributions for the construction, extension, equipment, and improvement of the said public-school facilities approved and carried on under funds of the Work Projects Administration: *Provided further*, That no funds available under this Act shall be expended for improvements to existing buildings which belong to a school district and which are on tribal land or for construction of new buildings on tribal land until the tribe shall have issued to the school district a permit approved by the Commissioner of Indian Affairs authorizing the use of the tracts required as school sites for so long as the land shall be used for school purposes by the school district and agreeing that the improvements and buildings shall be and remain the property of the school district. Title to improvements and to new buildings shall remain in the United States until recoupment of expenditures by the United States as provided in this Act. Upon recoupment, improvements made and new buildings constructed shall become the property of the school district: *Provided further*, That any amount expended for improvements to existing buildings belonging to the school district or for the construction of new buildings shall be recouped by the United States within a period of thirty years, commencing with the date of occupancy of the project, through reducing the annual Federal payments for the education of Indian pupils enrolled in public or high schools of the district involved, or by the acceptance of Indian pupils in such schools without cost to the United States, and in computing the amount of recoupment for each project interest at 3 per centum per annum shall be included on unrecouped balances: *And provided further*, That not to exceed 10 per centum of the amount allocated to any one of the above-named districts may be transferred, in the discretion of the Commissioner of Indian Affairs, to the allocation for any other district, but no project shall be increased more than 10 per centum by any such transfer.

Approved, October 8, 1940.

Use of funds as sponsors' contributions.

Permits authorizing use of tribal lands.

Title to improvements, etc.

Recoupment by U. S.

Transfer of allocated funds, limitation.

[CHAPTER 762]

AN ACT

Relating to the status of retired officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, and to amend section 113 of the Criminal Code.

October 8, 1940

[H. R. 9024]

[Public, No. 805]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 113 of the Criminal Code is hereby amended by inserting at the end thereof the following:

"Retired officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, while not on active duty, shall not by reason of their status as such be subject to the provisions of this section: *Provided*, That nothing herein shall be construed to allow any retired officer to represent any person in the sale of anything to the Government through the department in whose service he holds a retired status."

Approved, October 8, 1940.

Criminal Code, amendment.
35 Stat. 1109.
18 U. S. C. § 203.

Exemption of retired officers.

Proriso.
Representation in sales to Government.

[CHAPTER 763]

AN ACT

October 8, 1940
[H. R. 9636]
[Public, No. 806]

Authorizing the conveyance to the Commonwealth of Virginia of a portion of the naval reservation known as Naval Proving Ground, Dahlgren, Virginia.

Virginia.
Conveyance of cer-
tain land to, author-
ized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized and empowered in the name and on behalf of the United States of America to convey to the Commonwealth of Virginia, upon such terms and conditions as he may prescribe, all right, title, and interest of the United States of America in and to that portion of the Naval Proving Ground, Dahlgren, King George County, Virginia, upon which the Commonwealth of Virginia has been granted permission to construct, maintain, and operate a State highway designated as Route Numbered 207 by a permit issued by the Secretary of the Navy on April 18, 1940: *Provided*, That the Secretary of the Navy is authorized to make such deviations in the description of the land involved as may be necessary to carry out the purposes and intent of this Act.

Proviso.
Deviations in de-
scription.

Effective date.

SEC. 2. This Act shall be in force from the date of its passage.

Approved, October 8, 1940.

[CHAPTER 764]

AN ACT

October 8, 1940
[H. R. 10080]
[Public, No. 807]

To amend section 3493 of the Internal Revenue Code, formerly section 404 of the Sugar Act of 1937.

Internal Revenue
Code, amendment.
53 Stat. 427.
26 U. S. C., Supp.
V, § 3493.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3493 of the Internal Revenue Code (53 Stat. , part 1) be, and it is hereby, amended to read as follows:

"SEC. 3493. EXPORTATION.

Refund of tax paid.

"(a) REFUND OF TAX PAID.—Upon the exportation from the United States to a foreign country, or the shipment from the United States to any possession of the United States except Puerto Rico, of any manufactured sugar, or any article manufactured wholly or partly from manufactured sugar, with respect to which tax under the provisions of section 3490 has been paid, the amount of such tax shall be paid by the Commissioner of Internal Revenue to the consignor named in the bill of lading under which the article was exported or shipped to a possession, or to the shipper, or to the manufacturer of the manufactured sugar or of the articles exported, if the consignor waives any claim thereto in favor of such shipper or manufacturer: *Provided*, That no such payment shall be allowed with respect to any manufactured sugar, or article, upon which, through substitution or otherwise, a drawback of any tax paid under section 3500 has been or is to be claimed under any provisions of law made applicable by section 3501.

Proviso.
Disallowance of cer-
tain payments.

Period for
refund claim.

"(b) PERIOD FOR FILING REFUND CLAIM.—No payment shall be allowed under this section unless within two years after the right to such payment has accrued a claim therefor is filed by the person entitled thereto."

Approved, October 8, 1940.

[CHAPTER 765]

AN ACT

To authorize the appointment of graduates of the Naval Reserve Officers' Training Corps to the line of the Regular Navy, and for other purposes.

October 8, 1940
[H. R. 10406]
[Public, No. 808]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That officers of the Naval Reserve commissioned therein upon graduation from the Naval Reserve Officers' Training Corps shall be eligible for appointment to commissioned rank in the line of the Regular Navy in such numbers as the President may deem necessary. Officers so appointed shall, upon appointment, occupy the same grade, with the same precedence, occupied by them in the Naval Reserve.

Regular Navy.
Appointment to, of
commissioned Naval
Reserve officers.

SEC. 2. All appointees authorized by section 1 of this Act shall, on June 30 of the calendar year in which appointed, be less than twenty-six years of age, shall, on the same date, have completed at least one year of continuous active duty on board ships of the Navy, and shall, before appointment, establish their moral, physical, mental, and professional qualifications in accordance with such rules and regulations as the Secretary of the Navy may prescribe.

Requirements.

SEC. 3. Each officer appointed pursuant to the foregoing sections to the grade of ensign and each officer so appointed to a grade above that of ensign shall, respectively, become eligible for promotion, or for consideration by a line selection board as of the date the line officer next junior to him becomes so eligible: *Provided*, That the qualification of sea service prescribed in section 11 (c) of the Act of June 23, 1938 (52 Stat. 948), shall not apply to such officers while in the grade to which originally appointed.

Promotion.

SEC. 4. Any officer of the Naval Reserve and Marine Corps Reserve may, with his own consent, be employed on active duty other than training duty in time of peace for such periods as the Secretary of the Navy may determine: *Provided*, That pay and allowances of officers employed on active duty pursuant to this section shall be paid from appropriations for "Pay, Subsistence, and Transportation of Naval Personnel" and "Pay, Marine Corps", as the case may be.

Proviso.
Sea service.
34 U. S. C., Supp.
V. § 311.

Officers of Naval
and Marine Corps
Reserve.
Active duty in time
of peace.
Proviso.
Pay and allowances.

Approved, October 8, 1940.

[CHAPTER 777]

AN ACT

To amend section 4472 of the Revised Statutes (U. S. C., 1934 edition, title 46, sec. 465) to provide for the safe carriage of explosives or other dangerous or semidangerous articles or substances on board vessels; to make more effective the provisions of the International Convention for Safety of Life at Sea, 1929, relating to the carriage of dangerous goods; and for other purposes.

October 9, 1940
[H. R. 7357]
[Public, No. 809]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4472 of title 52 of the Revised Statutes, as amended (U. S. C., 1934 edition, title 46, sec. 465), is hereby amended to read as follows:

Carriage of danger-
ous cargoes.

"SEC. 4472. (1) The word 'vessel' as used in this section shall include every vessel, domestic or foreign, regardless of character, tonnage, size, service, and whether self-propelled or not, on the navigable waters of the United States, including its Territories and possessions, but not including the Panama Canal Zone and the Philippine Islands, whether arriving or departing, or under way, moored, anchored, aground, or while in drydock; it shall not include any public vessel which is not engaged in commercial service, nor any vessel subject to the provisions of section 4417a of the Revised Statutes, as amended, which is constructed or converted for the principal

"Vessel" defined.

46 U. S. C., Supp.
V, § 391a.

<p><i>Proviso.</i> Applicability of subsection (3).</p>	<p>purpose of carrying inflammable or combustible liquid cargo in bulk in its own tanks: <i>Provided</i>, That the provisions of subsection (3) of this section shall apply to every such vessel subject to the provisions of section 4417a of the Revised Statutes, as amended, which is constructed or converted for the principal purpose of carrying inflammable or combustible liquid cargo in bulk in its own tanks.</p>
<p>"Passenger-carrying vessel" defined. 50 Stat. 1121.</p>	<p>"(2) The phrase 'passenger-carrying vessel' as used in this section, when applied to a vessel subject to any provision of the International Convention for Safety of Life at Sea, 1929, means a vessel which carries or is authorized to carry more than twelve passengers.</p>
<p>Transportation of dry fulminates in bulk, etc.</p>	<p>"(3) It shall be unlawful knowingly to transport, carry, convey, store, stow, or use on board any vessel fulminates or other detonating compounds in bulk in dry condition, or explosive compositions that ignite spontaneously or undergo marked decomposition when subjected for forty-eight consecutive hours to a temperature of one hundred and sixty-seven degrees Fahrenheit, or compositions containing an ammonium salt and a chlorate, or other like explosives.</p>
<p>Transportation of high explosives on passenger-carrying vessels.</p>	<p>"(4) It shall be unlawful knowingly to transport, carry, convey, store, stow, or use on board any passenger-carrying vessel any high explosives such as, and including, liquid nitroglycerin, dynamite, trinitrotoluene, picrates, detonating fuzes, fireworks that can be exploded en masse, or other explosives susceptible to detonation by a blasting cap or detonating fuze, except ships' signal and emergency equipment, and samples of such explosives (but not including liquid nitroglycerin) for laboratory or sales purposes in restricted quantities as may be permitted by regulations of the Secretary of Commerce established hereunder.</p>
<p>Transportation of high explosives on other vessels.</p>	<p>"(5) It shall be unlawful knowingly to transport, carry, convey, store, stow, or use on board any vessel other than a passenger-carrying vessel, any high explosive referred to in subsection (4) hereof except as permitted by the regulations of the Secretary of Commerce established hereunder.</p>
<p>Transportation of other explosives.</p>	<p>"(6) (a) It shall be unlawful knowingly to transport, carry, convey, store, stow, or use (except as fuel for its own machinery) on board any vessel, except one specifically exempted by paragraph (b) of this subsection, any other explosives or other dangerous articles or substances, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, poisonous articles or substances, hazardous articles, and ships' stores and supplies of a dangerous nature, except as permitted by the regulations of the Secretary of Commerce established hereunder: <i>Provided</i>, That all of the provisions of this subsection relating to the transportation, carrying, conveying, storing, stowing, or use of explosives or other dangerous articles or substances shall apply to the transportation, carrying, conveying, storing, stowing, or using on board any passenger vessel of any barrels, drums, or other packages of any combustible liquid which gives off inflammable vapors (as determined by flash-point in open cup tester as used for test of burning oil) at or below a temperature of one hundred and fifty degrees Fahrenheit and above eighty degrees Fahrenheit.</p>
<p><i>Proviso.</i> Applicability to drums, etc., of certain combustible liquids.</p>	
<p>Nonapplicability of subsection (6) to certain vessels, etc.</p>	<p>"(b) This subsection shall not apply to— "(i) vessels not exceeding fifteen gross tons when not engaged in carrying passengers for hire; "(ii) vessels used exclusively for pleasure; "(iii) vessels not exceeding five hundred gross tons while engaged in the fisheries; "(iv) tugs or towing vessels: <i>Provided, however</i>, That any such vessel, when engaged in towing any vessel that has explosives, inflammable liquids, or inflammable compressed gases on board</p>

on deck, shall be required to make such provisions to guard against and extinguish fire as shall be prescribed by the Board of Supervising Inspectors and approved by the Secretary of Commerce;

“(v) cable vessels, dredges, elevator vessels, fireboats, ice-breakers, pile drivers, pilot boats, welding vessels, salvage and wrecking vessels;

“(vi) inflammable or combustible liquid cargo in bulk: *Provided, however,* That the handling and stowage of any inflammable or combustible liquid cargo in bulk shall be subject to the provisions of section 4417a of the Revised Statutes, as amended.

“(7) In order to secure effective provisions against the hazards of health, life, limb, or property created by explosives or other dangerous articles or substances to which subsection (3), (4), (5), or (6) of this section apply—

“(a) The Secretary of Commerce shall by regulations define, describe, name, and classify all explosives or other dangerous articles or substances, and shall establish such regulations as may be necessary to make effective the provisions of this section with respect to the descriptive names, packing, marking, labeling, and certification of such explosives or other dangerous articles or substances; with respect to the specifications of containers for explosives or other dangerous articles or substances; with respect to the marking and labeling of said containers; and shall accept and adopt for the purposes above mentioned in this subsection such definitions, descriptions, descriptive names, classifications, specifications of containers, packing, marking, labeling, and certification of explosives or other dangerous articles or substances to the extent as are or may be established from time to time by the Interstate Commerce Commission insofar as they apply to shippers by common carriers engaged in interstate or foreign commerce by water. The Secretary of Commerce shall also establish regulations with respect to the marking, handling, storage, stowage, and use of explosives or other dangerous articles or substances on board such vessels; with respect to the disposition of any explosives or other dangerous articles or substances found to be in an unsafe condition; with respect to the necessary shipping papers, manifests, cargo-stowage plans, and the description and descriptive names of explosives or other dangerous articles or substances to be entered in such shipping documents; also any other regulations for the safe transportation, carriage, conveyance, storage, stowage, or use of explosives or other dangerous articles or substances on board such vessels as the Secretary of Commerce shall deem necessary; and with respect to the inspection of all the foregoing mentioned in this paragraph. The Secretary of Commerce may utilize the services of the Bureau for the Safe Transportation of Explosives and Other Dangerous Articles, and of such other organizations whose services he may deem to be helpful.

“(b) The transportation, carriage, conveyance, storage, stowage, or use of such explosives or other dangerous articles or substances shall be in accordance with the regulations so established, which shall, insofar as applicable to them, respectively, be binding upon shippers and the owners, charterers, agents, masters, or persons in charge of such vessels, and upon all other persons transporting, carrying, conveying, storing, stowing, or using on board any such vessels any explosives or other dangerous articles or substances: *Provided,* That this section shall not be construed to prevent the transportation of military or naval forces with their accompanying munitions of war and stores.

⁴⁶ U. S. C., Supp. V, § 391a.

Regulations by the Secretary of Commerce.

Definitions, descriptions, etc., of explosives.

Marking, handling, etc.

Utilization of helpful services.

Applicability of regulations.

Provido. Military, etc., forces.

Nonexemption of vessels from certain requirements.

"(c) Nothing contained in this section shall be construed to relieve any vessel subject to the provisions of this section from any other of the requirements of title 52 (secs. 4399 to 4500, inclusive) of the Revised Statutes or Acts amendatory or supplementary thereto and regulations thereunder applicable to such vessel, which are not inconsistent herewith.

Local regulations.

"(d) Nothing contained in this section shall be construed as preventing the enforcement of reasonable local regulations now in effect or hereafter adopted, which are not inconsistent or in conflict with this section or the regulations of the Secretary of Commerce established hereunder.

Refusal to transport explosives, etc.

"(8) Any master, owner, charterer, or agent shall refuse to transport any explosives or other dangerous articles or substances in violation of any provisions of this section and the regulations established thereunder, and may require that any container or package which he has reason to believe contains explosives or other dangerous articles or substances be opened to ascertain the facts.

Public hearings on proposed regulations, etc.

"(9) Before any regulations or any additions, alterations, amendments, or repeals thereof are made under the provisions of this section, except in an emergency, such proposed regulations shall be published and public hearings with respect thereto shall be held on such notice as the Secretary of Commerce deems advisable under the circumstances. Any additions, alterations, amendments, or repeals of such regulations shall, unless a shorter time is authorized by the Secretary of Commerce, take effect ninety days after their promulgation.

Effective date of amendments, etc.

False or deceptive marking, etc.

"(10) It shall be unlawful knowingly to deliver or cause to be delivered, or tender for shipment to any vessel subject to this section any explosives or any other dangerous articles or substances defined in the regulations of the Secretary of Commerce established hereunder under any false or deceptive descriptive name, marking, invoice, shipping paper, or other declaration and without informing the agent of such vessel in writing of the true character thereof at or before the time such delivery or transportation is made. It shall be unlawful for any person to tender for shipment, or ship on any vessel to which this section applies, any explosives or other dangerous articles or substances the transportation, carriage, conveyance, storage, stowage, or use of which on board vessels is prohibited by this section.

Exemption of vessels upon certain findings.

"(11) The Secretary of Commerce may exempt any vessel or class of vessels from any of the provisions of this section or any regulations or parts thereof established hereunder upon a finding by him that the vessel, route, area of operations, conditions of the voyage, or other circumstances are such as to render the application of this section or any of the regulations established hereunder unnecessary for the purposes of safety: *Provided*, That except in an emergency such exception shall be made for any vessel or class of vessels only after a public hearing.

Proviso.
Public hearing.

Enforcement agencies.

"(12) The provisions of this section and the regulations established hereunder shall be enforced primarily by the Bureau of Marine Inspection and Navigation of the Department of Commerce and the Coast Guard of the Department of the Treasury; and the Secretary of Commerce, with the consent of the head of any executive department, independent establishment, or other agency of the Government, may avail himself of the use of information, advice, services, facilities, officers, and employees thereof (including the field service) in carrying out the provisions of this section: *Provided*, That no officer or employee of the United States shall receive any additional compensation for such services, except as permitted by law.

Proviso.
Additional compensation.

Detention of vessels violating provisions.

"(13) Any collector of customs may, upon his own knowledge, or upon the sworn information of any reputable citizen of the United

States, that any vessel subject to this section is violating any of the provisions of this section or of the regulations established hereunder, by written order served on the master, person in charge of such vessel, or the owner or charterer thereof, or the agent of the owner or charterer, detain such vessel until such time as the provisions of this section and of the regulations established hereunder have been complied with. If the vessel be ordered detained, the master, person in charge, or owner or charterer, or the agent of the owner or charterer thereof, may within five days appeal to the Secretary of Commerce, who may, after investigation, affirm, set aside, or modify the order of such collector. If any reputable citizen of the United States furnishes sworn information to any collector of customs that any vessel, subject to this section, is violating any of the provisions of this section or of the regulations established hereunder, and such information is knowingly false, the person so falsely swearing shall be deemed guilty of perjury.

Appeal, if detained.

False information
deemed perjury.

Penalty.

Liability of vessel
for penalty.

Death, etc., result-
ing from violations.

Penalty.

Transportation of
gasoline, etc., used by
motor vehicles.

Provisos.
Motors to be
stopped.

Other fire to be
extinguished.

Operation of motor
vehicle auxiliaries.

Right of refusal to
transport vehicles.

Liability for viola-
tions.

Penalty.

Limitation of pen-
alty.

“(14) Whoever shall knowingly violate any of the provisions of this section or of any regulations established under this section shall be subject to a penalty of not more than \$2,000 for each violation. In the case of any such violation on the part of the owner, charterer, agent, master, or person in charge of the vessel, such vessel shall be liable for the penalty and may be seized and proceeded against by way of libel in the district court of the United States in any district in which such vessel may be found.

“(15) When the death or bodily injury of any person results from the violation of this section or any regulations made in pursuance thereof, the person or persons who shall have knowingly violated or caused to be violated such provisions or regulations shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

“(16) The transportation by vessels of gasoline or any other inflammable or combustible liquid or inflammable gas when carried by motor vehicles using the same as a source of their own motive power, or motive power for driving auxiliaries forming a part of the vehicle, shall be lawful under the conditions as set forth in the regulations established by the Secretary of Commerce under this section: *Provided, however,* That the motor or motors in any vehicle be stopped immediately after entering the said vessel, and that the same be not restarted until immediately before said vehicle shall leave the vessel after said vessel has been made fast to the wharf or ferry bridge at which she lands. All other fire, if any, in such vehicle shall be extinguished before entering the said vessel and the same shall not be relighted until after said vehicle shall leave the vessel: *Provided further,* That the Secretary of Commerce, may, by regulation, permit the operation on board vessels of motive power for driving auxiliaries forming a part of motor vehicles, under such conditions as he may deem proper: *Provided further,* That any owner, charterer, agent, master, or other person having charge of a vessel shall have the right to refuse to transport motor vehicles the fuel tanks of which contain gasoline or other inflammable or combustible liquid or inflammable gas used as a source of power for the vehicle or its auxiliaries: *Provided further,* That the owner, motor carrier, and operator of any such vehicle in which all fires have not been extinguished or the motor or motors stopped as required by this subsection or regulations established thereunder, and the owner, charterer, agent, master, or person in charge of the vessel on which such vehicle is transported, shall each be liable to a penalty of not more than \$500, for which the motor vehicle and vessel, respectively, shall be liable: *And provided further,* That a violation of this subsection shall not subject any person to the penalty provided in subsection (14) or (15) hereof.”

Fire prevention.

SEC. 2. (a) Such provision to guard against and extinguish fire shall be made on every vessel which is subject to the provisions of subsection (4), (5), or (6) of Section 1 of this Act, or of any other section of title 52 of the Revised Statutes, as amended (sections 4399 to 4500, inclusive), or Acts amendatory or supplementary thereto, as shall be prescribed by the Board of Supervising Inspectors and approved by the Secretary of Commerce.

Lifeboats, etc., using combustible fuel.

Proviso.
Carrying of fuel for lifeboats, etc.

Use of lifeboats.

R. S. § 4417a, amendment.
49 Stat. 1889.

Proviso.
Permits for prohibited materials.

46 U. S. C. § 465.

R. S. § 4424, amendment.

R. S. § 4457, amendment.

Criminal Code, amendments.
35 Stat. 1134, 1135.

Repeals.

49 Stat. 868.

Appropriation authorized.

(b) Nothing herein contained shall prohibit the use by any vessel of motorboats, launches, or lifeboats equipped with engines using an inflammable or combustible fuel, nor shall anything herein contained prohibit such motorboats, launches, or lifeboats from carrying such inflammable or combustible fuel in their tanks: *Provided*, That no such inflammable or combustible fuel for the engines of such motorboats, launches, or lifeboats shall be carried except as may be prescribed by regulations of the Board of Supervising Inspectors with the approval of the Secretary of Commerce: *Provided further*, That the use of such lifeboats shall be under such regulations as shall be prescribed by the Board of Supervising Inspectors with the approval of the Secretary of Commerce.

SEC. 3. Section 4417a of the Revised Statutes (U. S. C., 1934 edition, title 46, Supp. V, sec. 391a) is hereby amended by deleting from paragraph 2 thereof the following proviso: "Provided, That the provisions of this section shall not apply to common carriers engaged in interstate or foreign commerce which transport such liquid cargo by water insofar only as such common carriers are subject to the regulations formulated by the Interstate Commerce Commission under the provisions of section 233 of the Act of March 4, 1909 (ch. 321, 35 Stat. 1135), as amended (18 U. S. C. 383)"; and by amending the second proviso in paragraph 4 thereof to read as follows: "*And provided further*, That no permit shall be issued under the provisions of this section authorizing the presence on board any vessel of any of the materials expressly prohibited from being thereon by subsection (3) of section 4472 of the Revised Statutes, as amended".

SEC. 4. Section 4424 of the Revised Statutes, as amended (U. S. C., 1934 edition, title 46, sec. 402), is amended by deleting the words "or whenever any passenger steam vessel receives or carries any gunpowder on board, not having a certificate authorizing the same, placed and kept as required, or shall carry any gunpowder at a place or in a manner not authorized by such certificate".

SEC. 5. Section 4457 of the Revised Statutes (U. S. C., 1934 edition, title 46, sec. 414) is amended by deleting the words "certificates authorizing gunpowder to be carried as freight by any steamer carrying passengers, and of".

SEC. 6. Sections 232, 233, 234, and 235 of the Criminal Code, as amended (U. S. C., 1934 edition, title 18, secs. 382 to 385, inclusive), are amended:

(a) By striking out "vessel" and "vessels" wherever appearing in sections 232, 234, and 235;

(b) By striking out "or water" where first appearing in section 233; and

(c) By striking out "or water" where last appearing in section 235.

SEC. 7. Sections 4278, 4279, and 4280 of the Revised Statutes (U. S. C., 1934 edition, title 46, secs. 172, 173, 174); section 4288 of the Revised Statutes, as amended (U. S. C., 1934 edition, title 46, sec. 175); the Act of August 26, 1935 (U. S. C., 1934 edition, title 46, Supp. V, secs. 178, 179); sections 4422, as amended, 4473, 4475, and 4476 of the Revised Statutes (U. S. C., 1934 edition, title 46, secs. 401, 466, 468, and 469) are hereby repealed.

SEC. 8. There are hereby authorized to be appropriated such sums of money as may be necessary to carry out the provisions of this Act.

SEC. 9. This Act shall become effective six months after the date of approval, except as to subsection (7) of section 1 hereof, which subsection shall become effective on the date of approval. Such initial regulations as may be necessary to make the Act effective shall be promulgated within ninety days from the date of approval hereof: *Provided, however,* That during any national emergency proclaimed by the President, he may, in his discretion, accelerate any or all provisions of this section.

SEC. 10. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act, and the application of the provisions thereof, shall not be affected thereby.

Approved, October 9, 1940.

Effective dates.

Promulgation of initial regulations.

Proviso.
Acceleration of provisions during national emergency.

Separability of provisions.

[CHAPTER 778]

AN ACT

To authorize the Secretary of the Treasury to order retired commissioned and warrant officers of the Coast Guard to active duty during time of national emergency, and for other purposes.

October 9, 1940
[H. R. 10337]
[Public, No. 810]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any commissioned or warrant officer of the Coast Guard on the retired list may at any time, with his consent, in the discretion of the Secretary of the Treasury, be ordered to active duty.

Coast Guard.
Active duty of retired officers.

SEC. 2. That all authority or discretion vested in the Secretary of the Navy to order commissioned and warrant officers of the Coast Guard on the retired list to active duty while the Coast Guard is not operating as a part of the Navy, is hereby transferred to and vested in the Secretary of the Treasury.

Transfer of authority.

Approved, October 9, 1940.

[CHAPTER 779]

AN ACT

To assist in the national-defense program by amending sections 3477 and 3737 of the Revised Statutes to permit the assignment of claims under public contracts.

October 9, 1940
[H. R. 10464]
[Public, No. 811]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 3477 and 3737 of the Revised Statutes be amended by adding at the end of each such section the following new paragraph:

Assignment of Claims Act of 1940.
31 U. S. C. § 203; 41 U. S. C. § 15.

"The provisions of the preceding paragraph shall not apply in any case in which the moneys due or to become due from the United States or from any agency or department thereof, under a contract providing for payments aggregating \$1,000 or more, are assigned to a bank, trust company, or other financing institution, including any Federal lending agency: *Provided,*

Assignment of claims upon U. S. to banks, etc.

"1. That in the case of any contract entered into prior to the date of approval of the Assignment of Claims Act of 1940, no claim shall be assigned without the consent of the head of the department or agency concerned;

Proviso.
Prior contracts; consent to assignment.

"2. That in the case of any contract entered into after the date of approval of the Assignment of Claims Act of 1940, no claim shall be assigned if it arises under a contract which forbids such assignment;

Contracts forbidding assignment.

"3. That unless otherwise expressly permitted by such contract any such assignment shall cover all amounts payable under such contract and not already paid, shall not be made to more than one party, and shall not be subject to further assignment, except that

Limitations on assignment.

Filing of written
notice by assignee.

any such assignment may be made to one party as agent or trustee for two or more parties participating in such financing;

"4. That in the event of any such assignment, the assignee thereof shall file written notice of the assignment together with a true copy of the instrument of assignment with—

"(a) the General Accounting Office,

"(b) the contracting officer or the head of his department or agency,

"(c) the surety or sureties upon the bond or bonds, if any, in connection with such contract, and

"(d) the disbursing officer, if any, designated in such contract to make payment.

Validity of assign-
ment.

Notwithstanding any law to the contrary governing the validity of assignments, any assignment pursuant to the Assignment of Claims Act of 1940 shall constitute a valid assignment for all purposes."

War or Navy De-
partment contracts.
Set-off, etc., of as-
signor's indebtedness
to U. S.

Any contract entered into by the War Department or the Navy Department may provide that payments to an assignee of any claim arising under such contract shall not be subject to reduction or set-off, and if it is so provided in such contract, such payments shall not be subject to reduction or set-off for any indebtedness of the assignor to the United States arising independently of such contract.

Short title.

SEC. 2. This Act may be cited as the "Assignment of Claims Act of 1940".

Approved, October 9, 1940.

[CHAPTER 780]

AN ACT

October 9, 1940
[H. R. 10539]
[Public, No. 812]

Making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes.

First Supplemental
Civil Functions Ap-
propriation Act, 1941.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes, namely:

TITLE I—GENERAL APPROPRIATIONS

LEGISLATIVE

SENATE

Ernest Lundeen.
Payment to widow.

For payment to Norma Ward Lundeen, widow of Ernest Lundeen, late a Senator from the State of Minnesota, \$10,000.

Clerical assistance.
Ante, p. 464.

So much as may be necessary of the appropriation "Clerical Assistance to Senators, 1941" is hereby made available to enable the Secretary of the Senate to pay two additional clerks at \$1,500 per annum each, one for each Senator from the State of Wisconsin, from the date the Census Bureau officially announces the population of said State to exceed three million to June 30, 1941.

Compensation of
clerk of Finance Com-
mittee.
Ante, p. 463.

For an amount required to increase the compensation of the clerk of the Finance Committee of the Senate at the rate of \$1,000 per annum so long as the position is held by the present incumbent, \$750.

Assistant superin-
tendents of press gal-
lery.

Beginning with the first day of the month next following the enactment of this Act, the compensation of the assistant superintendents of the Senate press gallery shall be at the respective rates of \$3,000 and \$1,920 per annum, and the Legislative Branch Appropriation Act for the fiscal year 1941 hereby is amended accordingly.

Ante, p. 465.

Miscellaneous
items.

For miscellaneous items, exclusive of labor, fiscal year 1940, \$40,000.

For repairs, improvements, equipment, and supplies for the Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended from the contingent fund of the Senate, under the supervision of the Committee on Rules, United States Senate, \$15,000.

Kitchens and restaurants.
Ante, p. 466.

No part of any appropriation made for the contingent expenses of the Senate shall be used to defray the expenses of any person except the members of any congressional committee, the Sergeant at Arms of the Senate or a representative of his office, and except the widow or minor children or both of the deceased, to attend the funeral rites and burial of any person who at the time of his or her death was a Senator of the United States.

Funeral expenses.

HOUSE OF REPRESENTATIVES

For payment to the widow of William B. Bankhead, late a Representative from the State of Alabama, \$10,000.

William B. Bankhead.
Payment to widow.
Willis Benjamin Gibbs.

For payment to the widow of Willis Benjamin Gibbs, late a Representative from the State of Georgia, \$10,000.

Payment to widow.
George N. Seger.
Payment to sons and daughter.

For payment, in equal increments to each, to the sons and the daughter of George N. Seger, late a Representative from the State of New Jersey, \$10,000.

The three foregoing sums to be disbursed by the Sergeant at Arms of the House of Representatives.

Contested-election expenses: For payment to Estes Kefauver, contestee, for expenses incurred in the contested-election case of Neal versus Kefauver, as audited and recommended by the Committee on Elections Numbered 1, \$360.07.

Contested-election expenses.

For payment to Albert F. Swanson, contestant, for expenses incurred in the contested-election case of Swanson versus Harrington, as audited and recommended by the Committee on Elections Numbered Three, \$2,000.

The foregoing sums for contested-election expenses to be disbursed by the Clerk of the House of Representatives.

ARCHITECT OF THE CAPITOL

Senate Office Building: For painting the Senate Cabinet Shop, located in the Senate Office Building, under the Office of the Sergeant at Arms, \$1,400.

Senate Cabinet Shop.
Ante, p. 473.

LIBRARY OF CONGRESS

Books for the adult blind: For an additional sum required to enable the Librarian of Congress to carry out the provisions of the Act entitled "An Act to provide books for the adult blind," approved March 3, 1931 (2 U. S. C. 135a), as amended, \$25,000.

Books for adult blind.
Ante, p. 476.
46 Stat. 1487.
2 U. S. C. §§ 135a, 135b; Supp. V, § 135a.

GOVERNMENT PRINTING OFFICE

The Superintendent of Documents is hereby authorized to deliver to the Librarian of Congress, from the sales stock in the Government Printing Office, two hundred and fifty sets of The Writings of George Washington, as published by the Bicentennial Commission, for distribution through international exchange and for such other distribution for the use of foreign governments as may be deemed appropriate.

The Writings of George Washington.
Distribution.

INDEPENDENT ESTABLISHMENTS

BENJAMIN HARRISON MEMORIAL COMMISSION

The appropriation of \$2,500 for the Benjamin Harrison Memorial Commission, contained in the First Deficiency Appropriation Act, 1940, approved April 6, 1940 (Public Act Numbered 447, Seventy-sixth

Reappropriation.

Ante, p. 83.

Congress), is hereby continued available to and including December 31, 1940, for the purposes and under the conditions specified for such appropriation in such Act.

CIVIL SERVICE COMMISSION

Prevention of pernicious political activities.

Ante, p. 767.

Prevention of pernicious political activities: For all necessary expenditures of the Civil Service Commission in performing the duties imposed upon it by the Act of July 19, 1940 (Public Act Numbered 753, 76th Congress), including personal services in the District of Columbia and elsewhere; contract stenographic reporting services; advertising; streetcar fares (not to exceed \$100); purchase and exchange of books of reference and periodicals (not to exceed \$500); traveling expenses; witness fees and mileage, including fees to deponents and persons taking deposition, at rates paid in the courts of the United States; and printing and binding, \$100,000.

COUNCIL OF NATIONAL DEFENSE

Expenses.

Ante, p. 599.

Ante, pp. 377, 297.

The appropriation for the expenses of the Council of National Defense contained in the "First Supplemental National Defense Appropriation Act, 1941", approved June 26, 1940, and allocations to the Council of National Defense, the Advisory Commission, and other subordinate bodies of the Council from the appropriations entitled "Emergency Fund For The President" contained in the Acts making appropriations for the Military Establishment and the Navy Department for the fiscal year 1941, approved June 13 and June 11, 1940, shall be available for the payment of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses of members of the Commission, subordinate bodies of the Council, persons serving at \$1 per annum, and persons serving while away from their homes, without other compensation from the United States, in an advisory capacity to the Council, the Advisory Commission or other subordinate bodies of the Council, or in attendance at meetings concerned with the national defense.

FEDERAL COMMUNICATIONS COMMISSION

Salaries and expenses.

Ante, p. 118.

Proriso.
Personal services.

Relocation of monitoring stations.

Salaries and expenses: For an additional amount for salaries and expenses, Federal Communications Commission, including the objects and subject to the limitations specified under this head in the Independent Offices Appropriation Act, 1941, \$125,000: *Provided*, That the limitation in such Act of \$1,246,340 which may be expended under this head for personal services in the District of Columbia is hereby increased to \$1,350,000.

Relocation of monitoring stations: For the relocation of radio monitoring stations at sites to be selected by the Federal Communications Commission in the States of Oregon, California, Michigan, Maryland, Georgia, and Massachusetts, including the purchase of land, provided suitable sites now owned by the Government cannot be made available, construction of suitable buildings or modification or reconstruction of existing buildings, the providing for necessary apparatus and equipment, erection of goniometric apparatus, the construction and installation of roadways, power, water and sanitary facilities, associated antenna systems, and other necessary expenses, \$175,000.

FEDERAL SECURITY AGENCY

CIVILIAN CONSERVATION CORPS

The Federal Security Agency Appropriation Act, 1941, is amended by striking out "\$176,880,000" under the heading "Civilian Conservation Corps," and inserting in lieu thereof "\$166,880,000": *Provided*, That upon the written recommendation of the Federal Security Administrator and with the approval of the President, the limitations upon the amount of expenditures under the several classes of objects of expenditure as fixed by the third proviso under such heading in such Act may be exceeded by more than the 10 per centum permitted therein.

Ante, p. 581.
Civilian Conserva-
tion Corps.

Proviso.
Limitation on ex-
penditures.

Such Act is further amended by adding after the last sentence under such heading the following:

"Notwithstanding the limitation herein on expenditures by the Office of the Director within the District of Columbia, the Director, Civilian Conservation Corps, in administering the funds herein appropriated is authorized, with the approval of the Federal Security Administrator, to fix the amount of and to transfer to the Office of the Director the funds necessary to carry out the functions transferred with the approval of the Federal Security Administrator from cooperating agencies to the Office of the Director."

Transfer of funds.

PUBLIC HEALTH SERVICE

Miscellaneous and contingent expenses: Not to exceed \$10,000 of the amount appropriated for "Pay of Personnel and Maintenance of Hospitals, Public Health Service, 1941" in the Federal Security Agency Appropriation Act, 1941, may be transferred to the appropriation "Miscellaneous and Contingent Expenses, Public Health Service, 1941."

Miscellaneous and
contingent expenses.
Ante, p. 585.

Ante, p. 584.

Pay, and so forth, commissioned officers, Public Health Service: For an additional amount for pay, allowance and commutation of quarters for not to exceed twenty additional regular active commissioned officers, \$47,340.

Commissioned offi-
cers, pay, etc.
Ante, p. 584.

Section 702 of the Labor-Federal Security Appropriation Act, 1941, approved June 26, 1940 (Public Act Numbered 665, Seventy-sixth Congress), is hereby amended by inserting after the word "Corps", in the second proviso thereof, the words: "or the Public Health Service".

Ante, p. 597.

OFFICE OF EDUCATION

Education and training of defense workers: For payment to States, subdivisions thereof, or other public authorities operating public educational facilities, and where hereinafter authorized to engineering schools and universities, through certification from time to time made by the United States Commissioner of Education (hereinafter referred to as the "Commissioner") to the Secretary of the Treasury of the name of such agency or the name of such engineering school or university and the officer thereof to whom payment is to be made, and the amount to be paid, such payment to be made prior to audit and settlement by the General Accounting Office, for the furtherance of the education and training of defense workers, as follows:

Defense workers.
Education and
training.
Ante, p. 632.

(1) For the cost of vocational courses of less than college grade, provided by such agencies in vocational schools pursuant to plans submitted by such agencies and approved by the Commissioner, which plans shall include courses supplementary to employment in occupations essential to the national defense and pre-employment refresher courses for workers preparing for such occupations selected from the public employment office registers, \$26,000,000.

Vocational courses
of less than college
grade.

Equipment.	(2) For the purchase, rental, or other acquisition of new or used equipment when needed by agencies in providing courses pursuant to a plan approved under (1) of this heading when such acquisitions are in accord with detailed proposals submitted by such agencies and approved by the Commissioner, \$8,000,000: <i>Provided</i> , That the proposals approved by the Commissioner shall include provisions governing the holding of title to and the use of the equipment to be acquired.
<i>Proviso.</i> Provisions govern- ing title and use.	(3) For the cost of short engineering courses of college grade, provided by engineering schools or by universities of which the engineering school is a part, pursuant to plans submitted by them and approved by the Commissioner, which plans shall be for courses designed to meet the shortage of engineers with specialized training in fields essential to the national defense, \$9,000,000: <i>Provided</i> , That only engineering schools which operate under charters which exempt their educational property from taxation shall be eligible to receive these funds: <i>Provided further</i> , That not to exceed 20 per centum of the amount allotted to any school shall be allotted to it for expenditure for purchase or rental of additional equipment and leasing of additional space found by the Commissioner necessary for carrying out its approved plan.
Engineering courses of college grade.	
<i>Provisos.</i> Eligibility for funds.	(4) For the cost, including the necessary equipment and supplies, of vocational courses and related or other necessary instruction provided by such agencies for out-of-school rural youth who have attained the age of seventeen and who file a registration card with a public employment office and for nonrural youth who otherwise meet the above requirements whose training is not feasible under subdivisions (1) and (3) hereof, such courses and instruction to be provided pursuant to plans submitted by such agencies and approved by the Commissioner, \$10,000,000.
Limitation on ex- penditure.	(5) For the cost of vocational courses and related or other necessary instruction provided by such agencies for young people employed on work projects of the National Youth Administration, such courses and instruction to be provided pursuant to plans submitted by such agencies and approved by the Commissioner, \$7,500,000: <i>Provided</i> , That the amount allotted to any agency shall be available for expenditure for purchase or rental of additional equipment and rental of additional space found by the Commissioner to be necessary for carrying out the approved plan.
Vocational courses for designated rural and nonrural youth.	The Commissioner shall carry out the purposes of these appropriations under regulations promulgated by him and approved by the President, and there shall be available out of these appropriations an amount determined by the Federal Security Administrator not exceeding 1 per centum of each such appropriation for expenses of administration to enable the Commissioner most efficiently to carry out the purposes of the several appropriations, the total sum to be available for general administration expenses, including printing and binding, equipment and supplies (including purchase of materials and equipment necessary for visual education), traveling expenses, including not to exceed \$5,000 for expenses of persons (other than Federal employees) requested to attend conferences held in the District of Columbia and elsewhere whose travel is approved at the direction of the Commissioner, salaries for personal services, and rents, in the District of Columbia and elsewhere: <i>Provided</i> , That the Federal Security Administrator may transfer out of the sum available for administration expenses not exceeding \$37,500 to the office of the Administrator for use in carrying out the purposes of these appropriations: <i>Provided further</i> , That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase with these funds when the aggregate amount involved in such purchase does not
Vocational courses for young people em- ployed on N. Y. A. work projects.	
<i>Proviso.</i> Availability of funds.	
Regulations.	
Administrative ex- penses.	
<i>Provisos.</i> Transfer of funds.	
Minor purchases.	

exceed the sum of \$100: *Provided further*, That all functions of the Commissioner hereunder shall be performed under the direction and supervision of the Federal Security Administrator.

No trainee under the foregoing appropriations shall be discriminated against because of sex, race, or color; and where separate schools are required by law for separate population groups, to the extent needed for trainees of each such group, equitable provision shall be made for facilities and training of like quality.

Further development of vocational education: For an additional amount for carrying out the provisions of sections 1, 2, and 3 of the Act entitled "An Act to provide for the further development of vocational education in the several States and Territories", approved June 8, 1936, \$400,000.

Cooperative vocational rehabilitation of persons disabled in industry: For an additional amount for carrying out the provisions of the Act entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry", approved June 2, 1920, as amended, \$319,500.

Supervision of functions.

No discrimination because of sex, race, or color.

Further development of vocational education.
Ante, p. 583.

49 Stat. 1488-1489.
20 U. S. C., Supp. V, §§ 15b-15j.

Vocational rehabilitation.
Ante, p. 583.

41 Stat. 735.
29 U. S. C. §§ 31-44.

NATIONAL YOUTH ADMINISTRATION

For additional amounts for the National Youth Administration to be expended in accordance with the provisions of the National Youth Administration Appropriation Act, 1941, except that all training or educational programs for youth employed by the National Youth Administration on work projects shall be under the control and supervision of the State boards for vocational education of the several States and shall be paid for out of appropriations made to the Office of Education and expended by the States pursuant to plans submitted by State boards for vocational education and approved by the Commissioner of Education as provided for in this Act under the heading, "Office of Education", paragraph (5), and except as hereinafter provided, for the following purposes:

For the purposes and objects specified in paragraph 1 (b) of such Act, \$30,535,375, of which \$50,000 shall be available to the United States Employees' Compensation Commission for the purposes of paragraph 18 of such Act.

For salaries and other administrative expenses specified in paragraph 2 of such Act, \$1,941,063, of which sum not to exceed \$250,000 may be transferred to appropriations of the Treasury Department in accordance with the provisions of such paragraph.

For printing and binding, \$23,562.

Additional amounts.

Ante, p. 590.

Control by State boards.

Employment, etc.
Ante, pp. 590, 593.

Salaries, etc.
Ante, p. 590.

Printing and binding.
Ante, p. 591.

FEDERAL WORKS AGENCY

PUBLIC BUILDINGS ADMINISTRATION

Salaries and general expenses, public buildings and grounds in the District of Columbia: For an additional amount for administration, protection, maintenance, and improvement of public buildings and grounds in the District of Columbia, maintained and operated by the Public Buildings Administration, Federal Works Agency, including the same objects specified under this heading in the Independent Offices Appropriation Act, 1941, \$200,000.

Construction of public buildings, District of Columbia: The Federal Works Administrator is hereby authorized, pursuant to the provisions of the Act of May 25, 1926 (44 Stat. 630), as amended, to acquire sites or additional land and to enter into contracts for construction of the following public-building projects in amounts not exceeding the following respective limits of cost, which limits of cost shall include salaries,

District of Columbia.
Salaries and general expenses.

Ante, p. 126.

Construction of public buildings.

40 U. S. C. §§ 341-347.

Limits of cost.

cost of supervision of construction, and inspection, furniture, equipment, moving expenses, extension of steam and water mains and removal or diversion of such sewers and utilities as may be necessary, and all other expenses required solely for the purpose of carrying out said public-building projects; and such Administrator is authorized to direct the preparation of all sketches, estimates, plans, drawings, and specifications, and to enter into all other contracts necessary for carrying out the purposes hereof; and he is further authorized, when deemed by him desirable and advantageous, to employ by contract or otherwise, temporary professional, technical, or nontechnical employees, firms, or corporations, to such extent as may be necessary to carry out the purposes hereof, without regard to civil service or classification laws, or section 3709 of the Revised Statutes:

41 U. S. C. § 5.
Federal office build-
ings.

Sites and buildings, Federal office buildings (Numbered 2 and 3): For the acquisition of sites and the construction of two Federal office buildings for general use, on land in or near the District of Columbia, \$6,400,000.

West central heat-
ing plant.

Site and building, west central heating plant, Washington, District of Columbia: For acquisition of site and construction of a central heating plant on a suitable site to be selected in the northwest section of the city of Washington, District of Columbia, within or outside the area prescribed by the Act of May 25, 1926, as amended, authorizing the acquisition of certain lands within the District of Columbia, including facilities for fuel deliveries and storage, tunnel and steam lines and additional steam lines in existing tunnels, \$1,500,000, within a total limit of cost of \$3,900,000: *Provided*, That the contract or contracts for such project may be entered into without advertising.

44 Stat. 630.
40 U. S. C. §§ 341-
347.

Proviso.
Contracts.

Navy Department
Building.
Ante, p. 599.

Navy Department Building, Washington, District of Columbia: For the construction of an additional wing on the Navy Department Building and an additional story on wing Number 1 thereof, under the provisions of the Public Buildings Act approved May 25, 1926, as amended, including administrative expenses in connection therewith, \$590,000: *Provided*, That the contract or contracts for such project may be entered into without advertising.

44 Stat. 630.
40 U. S. C. §§ 341-
347.

Proviso.
Contracts.

General Accounting
Office.

Site and building, General Accounting Office, Washington, District of Columbia: For acquisition of site and construction of a building for the General Accounting Office on land in square 518, in the District of Columbia, within a total limit of cost of \$9,850,000, in lieu of the extension and remodeling of the old Pension Office Building as authorized in the Second Deficiency Appropriation Act, fiscal year 1935, approved August 12, 1935: *Provided*, That the balance of the appropriation of \$2,000,000 appropriated by such Act shall remain available for the purposes of, and be chargeable against, this authorization.

49 Stat. 600.
Proviso.
Availability.

Acquisition of prop-
erty.
44 Stat. 630.
40 U. S. C. §§ 341-
347.

Acquisition of property in the District of Columbia: For the acquisition of property within the areas prescribed by the Act of May 25, 1926, as amended, authorizing the Federal Works Administrator to acquire certain lands within the District of Columbia, \$322,000.

GEORGE WASHINGTON BICENTENNIAL COMMISSION

Katherine H. Clagett,
and estate of Dr. John
C. Fitzpatrick.
Payment to.

For payment to Katherine H. Clagett and to the estate of Doctor John C. Fitzpatrick \$2,700 and \$6,666.66, respectively, for services rendered the George Washington Bicentennial Commission in connection with the compilation of the definitive writings of George Washington, \$9,366.66: *Provided*, That the payment to the said Katherine H. Clagett shall be in full, complete, and final compensation of any and all claims arising out of services rendered to the George Washington Bicentennial Commission prior to June 30, 1940.

Proviso.
Final compensation.

NATIONAL LABOR RELATIONS BOARD

Printing and binding: For an additional amount for all printing and binding for the National Labor Relations Board in Washington and elsewhere, \$83,000, and in addition thereto the sum of \$27,000 is hereby transferred from the appropriation "Salaries, National Labor Relations Board, 1941" and made available for printing and binding for the fiscal year 1941.

After the date of the enactment of this Act, none of the appropriation "Salaries, National Labor Relations Board, 1941", shall be obligated for the Division of Economic Research or for the Division of Technical Service: *Provided*, That not to exceed \$3,200 may be expended in performing those functions necessary to keep records and to make a report to Congress and to the President thereon as required by section 3 (c) of the National Labor Relations Act: *Provided further*, That nothing herein shall be construed to prohibit the National Labor Relations Board from obligating any part of such appropriation for carrying on any of the functions or duties specifically conferred upon it by the National Labor Relations Act or to repeal any provision of such Act.

Printing and binding.

Ante, p. 595.

Restriction.
Ante, p. 595.

Proceeds.
Records and reports.

49 Stat. 451.
29 U. S. C., Supp.
V, § 153 (c).
Use of funds.

UNITED STATES COMMISSION FOR THE CELEBRATION
OF THE TWO HUNDREDTH ANNIVERSARY OF THE
BIRTH OF THOMAS JEFFERSON

For expenses of carrying out the provisions of Public Resolution Numbered 100 (Seventy-sixth Congress) entitled "A Joint Resolution to establish a Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson", approved September 24, 1940, \$5,000.

Expenses.
Ante, p. 960.

UNITED STATES UNIVERSITY OF PENNSYLVANIA
BICENTENNIAL COMMISSION

For expenses of carrying out the provisions of Public Resolution Numbered 86 of the present Congress entitled "Joint resolution authorizing the recognition of the two hundredth anniversary of the founding of the University of Pennsylvania by Benjamin Franklin and the beginning of university education in the United States, and providing for the representation of the Government and people of the United States in the observance of the anniversary", approved June 20, 1940, including personal services in the District of Columbia or elsewhere without reference to the Classification Act of 1923, as amended; stenographic reporting and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes; traveling expenses; rents; printing and binding; official cards; entertainment; and such other expenses as may be authorized by the President, \$1,500, to be available for the payment of obligations heretofore incurred in carrying out the purposes of such public resolution.

Expenses.
Ante, p. 492.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.
41 U. S. C. § 5.

DISTRICT OF COLUMBIA

POTOMAC RIVER POLLUTION CONTROL

For the pro rata contribution of the District of Columbia to the expenses of the Interstate Commission on the Potomac River Basin, in accordance with Public Resolution Numbered 93, approved July 11, 1940, granting such Commission authority to regulate, control, prevent, or otherwise render unobjectionable and harmless the pollution of the water of the Potomac drainage area by sewage and industrial and other wastes, \$3,600.

Potomac River pollution control.

Ante, p. 750.

CONTINGENT AND MISCELLANEOUS

Reunion of United
Confederate Veterans.
Ante, p. 636.

Reunion of United Confederate Veterans: The sum of \$12,500 provided by the Second Deficiency Appropriation Act, 1940, approved June 27, 1940 (Public Act Numbered 668, Seventy-sixth Congress), for expenses of the reunion of United Confederate Veterans to be held in Washington, District of Columbia, in 1940, is hereby made available for expenditure by the Commissioners of such District, notwithstanding the provisions of any other Act for the payment of such expenses as they may deem necessary for and in connection with such reunion including the payment of obligations heretofore incurred.

HEALTH DEPARTMENT

Providence Hospi-
tal.

Providence Hospital: The unobligated balance of the appropriation "Providence Hospital, Repairs and Improvements, District of Columbia, 1940", is hereby reappropriated and made available during the fiscal year 1941 for such further repairs, alterations, and improvements to, and for the purchase of necessary furniture and equipment for, the building as may be approved by the Commissioners of the District of Columbia.

MUNICIPAL COURT

Salaries.

Ante, p. 325.

Salaries: For an additional amount for personal services, including compensation of five judges without reference to the limitation in the District of Columbia Appropriation Act, 1941, restricting salaries within the grade, \$945.

SETTLEMENT OF CLAIMS

William Joseph
Heurich.

20 D. C. Code
§§ 103-106; Supp. V,
§ 103.

For the payment of the claim of William Joseph Heurich, approved by the Commissioners under and in accordance with the provisions of the Act entitled "An Act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia", approved February 11, 1929 (45 Stat., 1160), as amended by the Act approved June 5, 1930 (46 Stat. 500), \$500.

JUDGMENTS

For the payment of final judgments, including costs, rendered against the District of Columbia, as set forth in House Document Numbered 884 of the Seventy-sixth Congress, \$4,275.99, together with the further sum to pay the interest at not exceeding 4 per centum per annum on such judgments, as provided by law, from the date the same became due until the date of payment.

DIVISION OF EXPENSES

The foregoing sums for the District of Columbia, unless otherwise therein specifically provided, shall be paid out of the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed by the District of Columbia Appropriation Acts for the respective fiscal years for which such sums are provided.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

Reconstruction and
repair of roads, etc.

Reconstruction and repair of roads and other improvements, national forests in Georgia, North Carolina, South Carolina, and Tennessee: For reconstruction of roads, trails, bridges, and other improvements in the national forests in Georgia, North Carolina, South Carolina, and Tennessee damaged or destroyed by floods in August, 1940, \$125,000.

DEPARTMENT OF COMMERCE

ADMINISTRATOR OF CIVIL AERONAUTICS

Washington National Airport: For the construction, with or without advertising, of five hangars at the Washington National Airport, Arlington County, Virginia, including a roadway service underpass and other necessary appurtenances, \$2,700,000; to remain available until June 30, 1942, of which \$150,000 shall be available for administrative expenses, including personal services in the District of Columbia and elsewhere, in connection with the preparation of plans, specifications, and estimates, and supervision of construction: *Provided*, That in the operation of such airport no agreement shall be entered into for the use of any hangar or space therein for a period exceeding three years nor shall any agreement be entered into for the operation of any concession for a period exceeding five years except the restaurant.

For all necessary expenses incident to the care, operation, maintenance, and protection of the Washington National Airport in accordance with the Act of June 29, 1940, including personal services in the District of Columbia, purchase, operation, and maintenance of one motor-propelled ambulance, one fire-and-crash truck, and one rescue-fire-and-crash motorboat; purchase (including exchange), operation, and maintenance of two passenger-carrying motor vehicles; purchase of equipment, materials, and supplies, including \$700 for the purchase, cleaning, and repair of uniforms for the guards, \$152,200, and, in addition, the sum of \$103,450 is transferred to this appropriation from the appropriation "Maintenance and Operation of Air Navigation Facilities," contained in the Independent Offices Appropriation Act, 1941: *Provided*, That \$15,000 of this appropriation shall be available for personal services in the District of Columbia, employed in connection with the completion of the construction of said airport, without regard to the Civil Service Act and regulation.

Development of landing areas: For the construction, improvement, and repair of not to exceed two hundred and fifty public airports and other public landing areas in the United States and its territories and possessions, determined by the Administrator, with the approval of a Board composed of the Secretary of War, Secretary of the Navy, and Secretary of Commerce, to be necessary for national defense, including areas essential for safe approaches and including the acquisition of land, \$40,000,000, of which \$2,000,000 shall be available for general administrative expenses, including the objects specified in section 204 of the Civil Aeronautics Act of 1938 and including engineering services and supervision of construction: *Provided*, That this appropriation shall not be construed as precluding the use of other appropriations available for any of the purposes for which this appropriation is made.

Establishment of air-navigation facilities: For an additional amount for the establishment of air-navigation facilities, including the objects specified under this head in the Independent Offices Appropriation Act, 1941, \$2,091,000, to remain available until June 30, 1942.

NATIONAL BUREAU OF STANDARDS

Operation and administration: For an additional amount for the general operation and administration of the National Bureau of Standards, including the objects specified under this head in the Department of Commerce Appropriation Act, 1941, \$21,000.

PATENT OFFICE

Salaries: For an additional amount for the Commissioner of Patents and other personal services in the District of Columbia, \$19,320.

Washington National Airport.

Proviso.
Agreements for use of hangars, etc.

Expenses for maintenance, etc.

Ante, p. 686.

Ante, p. 114.

Proviso.
Personal services.

Development of landing areas.

52 Stat. 983.
49 U. S. C., Supp. V. § 424.

Proviso.
Use of other appropriations.

Establishment of air-navigation facilities.

Ante, p. 115.

Operation and administration.

Ante, p. 196.

Salaries.
Ante, p. 199.

Photolithographing.

Ante, p. 199.

Photolithographing: For an additional amount for prints of pending application drawings, including the objects specified under this head in the Department of Commerce Appropriation Act, 1941, \$2,000.

Miscellaneous expenses.

Ante, p. 199.

Miscellaneous expenses: For an additional amount for contingent and miscellaneous expenses of the Patent Office, including the objects specified under this head in the Department of Commerce Appropriation Act, 1941, \$2,000.

WEATHER BUREAU

Weather service.

Ante, p. 539.

Observations, warnings, and general weather service: For an additional amount for necessary expenses incident to collecting and disseminating meteorological, aerological, and marine information and for investigations in meteorology and aerology in the District of Columbia and elsewhere, including the objects specified under this head in the Department of Agriculture Appropriation Act, 1941, \$500,000, of which not to exceed \$40,000 may be expended for personal services in the District of Columbia.

DEPARTMENT OF THE INTERIOR

OFFICE OF THE SECRETARY

Grazing Service.

43 U. S. C., Supp. V, §§ 315m-1-315m-4.

Leasing of grazing lands, Grazing Service: For leasing State, county, or privately owned lands in accordance with the provisions of the Act of June 23, 1938 (52 Stat. 1033), fiscal years 1940 and 1941, \$50,000: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of said Act.

Packing, etc., of personal effects of employees.

Appropriations available to the Department of the Interior for the fiscal year 1941 for soil and moisture conservation operations shall be available for packing, crating, and transportation, including drayage, of personal effects of employees upon permanent change of station, under regulations to be prescribed by the Secretary of the Interior.

Bituminous Coal Division.

Ante, p. 408.

Salaries and expenses, Bituminous Coal Division: For an additional amount for salaries and expenses, Bituminous Coal Division, including the objects specified under this head in the Interior Department Appropriation Act, 1941, \$137,000.

BONNEVILLE POWER ADMINISTRATION

Power transmission system.
Construction, etc.

Ante, p. 410.

Construction, operation, and maintenance, Bonneville power transmission system: For an additional amount for construction, operation, and maintenance, including the objects and subject to the limitations specified under this head in the Interior Department Appropriation Act, 1941, \$3,850,000, to remain available until expended.

UNITED STATES HIGH COMMISSIONER TO THE PHILIPPINE ISLANDS

Maintenance of office.
Ante, p. 410.

United States High Commissioner to the Philippine Islands: For an additional amount for the maintenance of the office of the United States High Commissioner to the Philippine Islands, \$18,250, which amount shall be available for the improvement of office and living quarters and grounds for the High Commissioner.

BUREAU OF INDIAN AFFAIRS

Suppressing forest fires.
Ante, p. 416.

Suppressing forest fires on Indian reservations: For an additional amount for the suppression or emergency prevention of forest fires on or threatening Indian reservations, \$30,000, together with \$25,000 from funds held by the United States in trust for the respective tribes of Indians interested.

Compensation and expenses of an attorney or attorneys for the Chippewa Tribe of Indians, Minnesota (tribal funds): For compensation and expenses of an attorney or attorneys employed by the Chippewa Tribe of Indians, Minnesota, under a contract or contracts approved by the Secretary of the Interior, \$23,400, or so much thereof as may be necessary, payable from the principal sum on deposit to the credit of the Chippewa Indians of Minnesota, arising under section 7 of the Act entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota", approved January 14, 1889 (25 Stat. 645), and the amount herein appropriated shall be available for compensation earned and expenses incurred during the period covered by said contract or contracts.

Chippewa Indians.
Expenses of attorneys.

Construction and repair: For an additional amount for the construction, repair, or rehabilitation of school, agency, hospital, or other buildings and utilities, including the purchase of furniture, furnishings, and equipment as follows:

Construction and repair.

Red Lake, Minnesota: School facilities, \$107,000, to remain available until completion of the project when the unobligated balance shall revert to the Treasury: *Provided*, That no obligation shall be incurred hereunder unless and until the school district of Beltrami County, Minnesota, shall have deposited into the Treasury to the credit of this appropriation the unobligated balance of the insurance collected on the destroyed Red Lake school plant.

Red Lake, Minnesota.
School facilities.
Proviso.
Condition.

Eastern Cherokees: For the relief of the Eastern Cherokees, as authorized by the bill (S. 4232) entitled "An Act for the relief of the Eastern Cherokees", Seventy-sixth Congress, fiscal year 1941, \$1,997.84, without interest and to be in full settlement of all claims of such tribe of Indians against the Government as found to be due by the Supreme Court of the United States in 1906 (202 U. S. 101).

Eastern Cherokees.
Relief.

BUREAU OF RECLAMATION

General fund, construction: For completion of construction of the following projects, in not to exceed the following amounts, respectively, to be expended from the general fund of the Treasury in the same manner, under the same conditions, and for the same objects of expenditure as specified for these projects in the Interior Department Appropriation Act, 1941, under the caption "General Fund, Construction" under the Bureau of Reclamation:

General fund, construction.

Pine River project, Colorado, \$400,000;

Colorado River project, Texas, \$2,500,000;

In all, \$2,900,000, to remain available until expended.

Ante, p. 437.

GEOLOGICAL SURVEY

Strategic and critical minerals: For an additional amount for scientific and economic investigations of strategic and critical minerals in the United States or its Territories or insular possessions, \$100,000; and the limitation of \$25,000 on the amount which may be expended for personal services in the District of Columbia under this head in the Interior Department Appropriation Act, 1941, is hereby increased to \$50,000.

Strategic and critical minerals.

Ante, p. 439.

BUREAU OF MINES

Economics of mineral industries: For an additional amount for economics of mineral industries, including the same objects specified under this head in the Interior Department Appropriation Act, 1941, \$85,000; and the limitation therein of \$234,000 which may be expended for personal services in the District of Columbia is hereby increased to \$265,000.

Economics of mineral industries.

Ante, p. 443.

Expenses, mining
experiment stations.
Ante, p. 443.

Expenses, mining experiment stations: For an additional amount for expenses of mining experiment stations, including the objects and purposes specified under this head in the Interior Department Appropriation Act, 1941, \$20,000.

Investigation of do-
mestic sources of min-
eral supply.

Investigation of domestic sources of mineral supply: For an additional amount for investigation of domestic sources of mineral supply, including the same objects specified under this head in the Interior Department Appropriation Act, 1941, \$275,000; and the limitations therein of \$1,000 which may be expended for printing and binding, of \$15,000 which may be expended for the purchase of motor-propelled passenger-carrying vehicles, and of \$15,000 which may be expended for personal services in the District of Columbia, are hereby increased to \$1,500, \$22,000, and \$25,000, respectively.

Ante, p. 443.

NATIONAL PARK SERVICE

National historical
parks and monu-
ments.
Ante, p. 448.

National historical parks and monuments: For an additional amount for national historical parks and monuments, including the purchase and installation of Virginia Indian artifacts known as the Wirt Robinson Indian collection, and the construction of an additional wing to the Jamestown Museum, \$10,000.

Photographic mat
service.

Photographic mat service: Not to exceed an aggregate of \$3,000 from any funds available to the National Park Service during the fiscal year 1941 may be used for the preparation of mats for reproduction in magazines and newspapers of photographs of scenery in the national parks, in accordance with the Act of August 27, 1940 (Public Act Numbered 771, Seventy-sixth Congress).

Ante, p. 861.

Mount Rushmore
National Memorial
Commission.
Ante, p. 449.
52 Stat. 694.
Provisos.
Limitations.

Mount Rushmore National Memorial Commission: For completion of the work, except the inscription, authorized by the provisions of the Mount Rushmore Memorial Act of 1938, \$86,000: *Provided*, That no part of this appropriation shall be expended for work on any figure, in addition to the four figures authorized by law, upon which work had not commenced as of June 22, 1936: *Provided further*, That no part of this appropriation shall be available for any work on or toward the inscription provided for in section 3 of such Act.

FISH AND WILDLIFE SERVICE

Enforcement of
Alaska game law.
43 Stat. 739.
48 U. S. C. §§ 192-
211; Supp. V, §§ 192-
207.
Ante, p. 453.

Enforcement of Alaska game law: For an additional amount for the enforcement of the Alaska game law, approved January 13, 1925, as amended, to be used exclusively for the construction and equipment of hangars in Alaska for airplanes of the Alaska Game Commission, \$8,500.

GOVERNMENT IN THE TERRITORIES

Territory of Alaska.
Legislative ex-
penses.
52 Stat. 338.
53 Stat. 1313.

Legislative expenses, Territory of Alaska, 1939: The limitations in appropriations for Legislative Expenses, Territory of Alaska, as contained in the Interior Department Appropriation Act, 1939, and the Third Deficiency Appropriation Act, fiscal year 1939, are hereby amended to read as follows:

"For salaries of members, \$21,585; mileage of members, \$9,448.40; salaries of employees, \$5,160; printing, indexing, comparing proofs, and binding laws, printing, indexing and binding journals, stationery, supplies, printing of bills, reports, and so forth, \$14,458.81; in all, \$50,652.21".

Alaska.
Care and custody
of insane.

Care and custody of insane, Alaska: For an additional amount for the care and custody of persons legally adjudged insane in Alaska, fiscal year 1940, including the same objects and for the same services specified in the Interior Department Appropriation Act, 1940, \$3,000.

53 Stat. 734.

Salaries and expenses, Government of the Virgin Islands: For an additional amount for salaries and expenses, Government of the Virgin Islands, including the objects and services specified in the Interior Department Appropriation Act, 1941, \$8,255.

Government of the Virgin Islands.
Salaries and expenses.

Ante, p. 458.

DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

Salaries: For an additional amount for salaries, for the Criminal Division, \$10,000.

Salaries.
Ante, p. 200.

DEPARTMENT OF LABOR

SECRETARY'S OFFICE

Salaries and expenses, Division of Labor Standards: For an additional amount for salaries and expenses, Division of Labor Standards, including the same objects specified under this head in the Department of Labor Appropriation Act, 1941, to be used exclusively for the promotion of the apprenticeship program, \$225,000, from which amount transfers may be made to other appropriations for the Department of Labor, fiscal year 1941, as follows: \$2,250 to contingent expenses and \$22,500 to traveling expenses: *Provided*, That the limitation on the amount which may be expended under this head for personal services in the District of Columbia is hereby increased to \$197,000.

Division of Labor Standards.
Salaries and expenses.

Ante, p. 575.

Proviso.
Personal services.

BUREAU OF LABOR STATISTICS

Salaries and expenses: For an additional amount for salaries and expenses, Bureau of Labor Statistics, including the objects specified under this head in the Department of Labor Appropriation Act, 1941, \$70,000, of which \$50,000 shall be available only for making studies of productivity and labor costs in accordance with the provisions of the joint resolution approved June 7, 1940 (Public Resolution Numbered 77), and \$20,000 shall be available only for the collection of information regarding the amount of goods produced in State and Federal prisons in accordance with the provisions of the joint resolution approved June 17, 1940 (Public Resolution Numbered 85): *Provided*, That transfers may be made from this additional appropriation to other appropriations of the Department of Labor in not to exceed the following amounts: Contingent expenses, \$4,500; traveling expenses, \$10,800; printing and binding, \$5,000: *Provided further*, That the limitation on the amount which may be expended under this head for personal services in the District of Columbia is increased by the amount of \$50,000.

Salaries and expenses.

Ante, p. 576.

Ante, p. 249.

Ante, p. 401.
Provisos.
Transfer of funds.

Ante, pp. 574, 575.

Personal services.
Ante, p. 576.

NAVY DEPARTMENT

OFFICE OF THE SECRETARY

Claims for damages by collision with naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the Act entitled "An Act to amend the Act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels," approved December 28, 1922, as fully set forth in Senate Document Numbered 281, and House Document Numbered 907, Seventy-sixth Congress, \$1,456.86.

Ante, p. 265.

Damage claims.

42 Stat. 1066.
34 U. S. C. § 599.

POST OFFICE DEPARTMENT

(OUT OF THE POSTAL REVENUES)

SALARIES IN BUREAUS AND OFFICES

Office of the Solicitor.
Ante, p. 71.

For personal services in the District of Columbia, Office of the Solicitor for the Post Office Department, \$4,200.

OFFICE OF SECOND ASSISTANT POSTMASTER GENERAL

Domestic Air Mail Service.

Ante, p. 73.

Domestic Air Mail Service: For an additional amount for the inland transportation of mail by aircraft, and so forth, including the same objects and subject to the same conditions specified under this head in the Post Office Department Appropriation Act, 1941, \$485,199.

DEPARTMENT OF STATE

OFFICE OF THE SECRETARY OF STATE

Salaries.

Ante, p. 181.

Salaries: For an additional amount for "Salaries, Department of State, 1941", including the objects and subject to the limitations specified under this head in the Department of State Appropriation Act, 1941, \$290,000.

CONTINGENT EXPENSES (DEPARTMENTAL)

Contingent expenses.

Ante, p. 182.

Contingent expenses: For an additional amount for "Contingent Expenses, Department of State, 1941", including the objects and subject to the limitations specified under this head in the Department of State Appropriation Act, 1941, \$15,500.

ALASKA INTERNATIONAL HIGHWAY COMMISSION

Expenses.

Ante, p. 262.

42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

For expenses of the Alaskan International Highway Commission, created by the Act of May 31, 1938 (52 Stat. 590), and extended by Public Act Numbered 585, approved June 11, 1940, including personal services in the District of Columbia or elsewhere without regard to the civil-service laws and the Classification Act of 1923, as amended; stenographic, translating, and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); communication service; rent; travel expenses; local transportation; transportation of things; purchase of necessary books, documents, newspapers, periodicals, and maps; stationery; equipment; official cards; entertainment; printing and binding; reconnaissance survey; and such other expenses as the President shall deem proper in the fulfillment of the duty of the Commission, including the United States share of necessary joint expenses of the two Governments, \$12,000.

CONTRIBUTIONS, QUOTAS, AND SO FORTH

American republics.
Cooperation.

Ante, p. 651.

44 Stat. 688.
5 U. S. C. §§ 821-833.

Cooperation with the American republics: The appropriation for "Cooperation with the American republics" contained in the Second Deficiency Appropriation Act, 1940, approved June 27, 1940, is hereby made available for compensation to be fixed by the Secretary of State and for traveling expenses in the United States and abroad in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended, of educational, professional, and artistic leaders who are citizens of the United States and the other American republics.

TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

Payments to Federal land banks on account of reductions in interest rate on mortgages: To enable the Secretary of the Treasury to pay each Federal land bank such amount as the Land Bank Commissioner certifies to the Secretary of the Treasury is equal to the amount by which interest payments on mortgages held by such land bank have been reduced during the fiscal year 1941, and prior thereto, in accordance with the provisions of paragraph "Twelfth" of section 12 of the Federal Farm Loan Act (12 U. S. C. 771), as amended, \$28,167,000.

Federal land banks.
Payments.

48 Stat. 43.
12 U. S. C., Supp.
V, § 771.

Payments to the Federal Farm Mortgage Corporation on account of reductions in interest rate on mortgages: To enable the Secretary of the Treasury to pay to the Federal Farm Mortgage Corporation such amount as the Governor of the Farm Credit Administration certifies to the Secretary of the Treasury is equal to the amount by which interest payments on mortgages held by such Corporation have been reduced during the fiscal year 1941, and prior thereto, in accordance with the provisions of section 32 of the Emergency Farm Mortgage Act of 1933, approved May 12, 1933 (12 U. S. C. 1016), as amended, such payments to be made quarterly, beginning as soon as practicable after October 1, 1940, \$10,000,000.

Federal Farm Mortgage Corporation.
Payments.

48 Stat. 48.
12 U. S. C., Supp.
V, § 1016.

OFFICE OF CHIEF CLERK

Contingent expenses: For an additional amount for miscellaneous and contingent expenses, Treasury Department, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$7,500.

Contingent expenses.

Ante, p. 56.

DIVISION OF PRINTING

Printing and binding: For an additional amount for printing and binding, Treasury Department, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$6,000.

Printing and binding.

Ante, p. 57.

Stationery: For an additional amount for stationery, Treasury Department, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$1,500.

Stationery.

Ante, p. 57.

BUREAU OF INTERNAL REVENUE

Salaries and expenses: For an additional amount for expenses of assessing and collecting the internal-revenue taxes, including the objects and subject to the limitations specified under this head in the Treasury Department Appropriation Act, 1941, \$850,000.

Salaries and expenses.

Ante, p. 60.

COAST GUARD

Salaries, Office of Commandant: For an additional amount for salaries, Office of Commandant, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$66,000.

Personal services.

Ante, p. 63.

Pay and allowances: For an additional amount for pay and allowances, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$1,640,000; and the limitation of \$39,375 under this head in such Act, as modified by the First Supplemental National Defense Appropriation Act, 1941, on the amount which may be expended for recreation, education, and so forth, of enlisted men is hereby increased to \$43,780.

Pay and allowances.

Ante, p. 64.

Ante, p. 600.

Emergency construction.

Emergency construction, Coast Guard vessels and shore facilities: For additional vessels and their equipment, and the construction, rebuilding or extension of shore facilities, including the acquisition of sites therefor, and including the construction of a floating drydock and shipways at the Coast Guard Depot, Curtis Bay, Maryland, to remain available until expended, \$9,460,000, of which amount not to exceed 4 per centum shall be available for administrative expenses in connection therewith, including personal services in the District of Columbia.

General expenses.

General Expenses: For an additional amount for General Expenses, Coast Guard, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$880,000.

Ante, p. 64.

BUREAU OF THE MINT

Personal services.
Ante, p. 68.

Salaries, Office of Director of the Mint: For an additional amount for personal services in the District of Columbia, \$7,380.

Contingent expenses, etc.

Contingent expenses and examination of mints: For an additional amount for contingent expenses and examination of mints, including the objects specified under this head in the Treasury Department Appropriations Act, 1941, \$3,000.

Ante, p. 68.

Mints and assay offices.
Salaries and expenses.

Salaries and expenses, mints and assay offices: For an additional amount for salaries and expenses, mints and assay offices, including the objects and limitations specified under this head in the Treasury Department Appropriation Act, 1941, \$1,325,000.

Ante, p. 68.

WAR DEPARTMENT

Ante, p. 352.

MILITARY ACTIVITIES

Ante, p. 357.

QUARTERMASTER CORPS

Barracks and quarters, etc.

Barracks and quarters and other buildings and utilities: For an additional amount for barracks and quarters, including the objects and subject to the conditions specified under this head in the Military Appropriation Act, 1941, \$200,000.

Ante, p. 362.

Arlington Farm, Va.
Removal and reestablishment.
Post, p. 1219.

Removal and reestablishment of Arlington Farm, Virginia: For the removal and reestablishment of the functions and activities at Arlington Farm, including the acquisition of lands by purchase or by condemnation, the construction and installation of buildings, equipment, and utilities and appurtenances thereto, including the employment of persons and means in the city of Washington and elsewhere, \$3,200,000, to remain available until expended: *Provided*, That this appropriation shall be transferred to the credit of the Secretary of Agriculture for expenditure by him: *Provided further*, That upon the transfer of the activities of the Department of Agriculture from Arlington Farm, so much of the land thereof as may be required by the War Department shall be transferred to the control and jurisdiction of the latter Department.

Provisos.
Transfer of appropriation.

Transfer of land.

CIVIL FUNCTIONS

CORPS OF ENGINEERS

Rivers and harbors.

Rivers and harbors: For an additional amount for the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interest of commerce and navigation, including the objects and under the conditions specified under this head in the War Department Civil Appropriation Act, 1941, \$8,127,000 to remain available until expended.

Ante, p. 506.

Flood control, general.

Flood control, general: For an additional amount for Flood Control, General, to be used for removing accumulated snags and other

paid up, and extended values, dividends from gains and savings, refund of unearned premiums, and such other provisions as may be found to be reasonable and practicable, may be provided for in the policy of insurance or from time to time by regulations promulgated by the Administrator.

Beneficiary.

(g) The insurance shall be payable only to a widow, widower, child (including a stepchild or an illegitimate child if designated as beneficiary by the insured), parent (including person in loco parentis if designated as beneficiary by the insured), brother or sister of the insured. The insured shall have the right to designate the beneficiary or beneficiaries of the insurance, but only within the classes herein provided, and shall, subject to regulations, at all times have the right to change the beneficiary or beneficiaries of such insurance without the consent of such beneficiary or beneficiaries but only within the classes herein provided.

Payments.

(h) Such insurance shall be payable in the following manner:

(1) If the beneficiary to whom payment is first made is under thirty years of age at the time of maturity, in two hundred and forty equal monthly installments.

(2) If the beneficiary to whom payment is first made is thirty or more years of age at the time of maturity, in equal monthly installments for one hundred and twenty months certain, with such payments continuing during the remaining lifetime of such beneficiary.

(3) Any installments certain of insurance remaining unpaid at the death of any beneficiary shall be paid in equal monthly installments in an amount equal to the monthly installments paid to the first beneficiary, to the person or persons then in being within the classes hereinafter specified and in the order named, unless designated by the insured in a different order—

(A) to the widow or widower of the insured, if living;

(B) if no widow or widower, to the child or children of the insured, if living, in equal shares;

(C) if no widow, widower, or child, to the parent or parents of the insured, if living, in equal shares;

(D) if no widow, widower, child, or parent, to the brothers and sisters of the insured, if living, in equal shares.

Determination of beneficiary if none designated, etc.

(i) If no beneficiary is designated by the insured or if the designated beneficiary does not survive the insured, the beneficiary shall be determined in accordance with the order specified in subsection (h) (3) of this section and the insurance shall be payable in equal monthly installments in accordance with subsection (h) (1) or (2), as the case may be. The right of any beneficiary to payment of any installments shall be conditioned upon his or her being alive to receive such payments. No person shall have a vested right to any installment or installments of any such insurance and any installments not paid to a beneficiary during such beneficiary's lifetime shall be paid to the beneficiary or beneficiaries within the permitted class next entitled to priority, as provided in subsection (h).

Restriction on installment payments.

(j) No installments of such insurance shall be paid to the heirs or legal representatives as such of the insured or of any beneficiary, and in the event that no person within the permitted class survives to receive the insurance or any part thereof no payment of the unpaid installments shall be made.

Monthly payments less than \$5.

(k) When the amount of an individual monthly payment is less than \$5, such amount may, in the discretion of the Administrator, be allowed to accumulate without interest and be disbursed annually.

Payments to designated persons.

(l) Any payments of insurance made to a person represented by the insured to be within the permitted class of beneficiaries shall be

deemed to have been properly made and to satisfy fully the obligation of the United States under such insurance policy to the extent of such payments.

(m) The Administrator shall, by regulations, prescribe the time and method of payment of the premiums on such insurance, but payments of premiums in advance shall not be required for periods of more than one month each, and may at the election of the insured be deducted from his active service pay or be otherwise made.

(n) Upon application by the insured and under such regulations as the Administrator may promulgate, payment of premiums on such insurance may be waived during continuous total disability of the insured which commenced subsequent to the effective date of such insurance and which has existed for six consecutive months or more prior to the attainment by the insured of the age of sixty years, effective as of the due date of the monthly premium becoming payable on or after the first day of the seventh consecutive month of such disability: *Provided*, That application for waiver is made while the insurance is currently kept in force by the payment of premiums, and the insured furnishes proof satisfactory to the Administrator showing that he is and has been continuously totally disabled for six or more months prior to attaining sixty years of age. Any waiver granted by the Administrator under this subsection shall not become effective prior to the date of application therefor; except that, in the discretion of the Administrator, it may be made effective at any time within a period of not more than six months prior to such date but in no event prior to the first day of the seventh month of such continuous disability. Any premiums tendered to cover a period during which such waiver is effective shall be refunded. The Administrator shall provide by regulations for reexaminations of beneficiaries under this subsection and, in the event that it is found that an insured is no longer totally disabled, the waiver of premiums shall cease as of the date of such finding and the policy of insurance may be continued by payment of premiums as provided in said policy. Premium rates shall be calculated without charge for the cost of the waiver of premiums herein provided and no deduction from benefits otherwise payable shall be made on account thereof.

(o) The Administrator shall promptly determine and publish the terms and conditions of such insurance. Pending the promulgation of the terms and conditions of the five year level premium term policy and the printing of such policy, the Administrator may issue a certificate in lieu thereof as evidence that insurance has been granted and the rights and liabilities of the applicant and of the United States shall be those specified by the terms and conditions of the policy when published.

(p) Such insurance may be made effective, as specified in the application, not later than the first day of the calendar month following the date of application therefor, but the United States shall not be liable thereunder for death occurring prior to such effective date.

(q) Such insurance shall be issued in any multiple of \$500 and the amount of such insurance with respect to any one person shall be not less than \$1,000 or more than \$10,000.

SEC. 603. No person may carry a combined amount of National Service Life Insurance and United States Government life insurance in excess of \$10,000 at any one time.

SEC. 604. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this part, to be known as the National Service Life Insurance appropriation, for the payment of

Payment of pre-
miums.

Waiver of pre-
miums.

Proviso.
Conditions.

Reexaminations of
beneficiaries.

Promulgation of
terms, etc.

Effective date.

Multiple and
amount.

Combined amount,
maximum.

National Service
Life Insurance appro-
priation.

Payments.	liabilities under National Service Life Insurance. Payments from this appropriation shall be made upon and in accordance with awards by the Administrator.
National Service Life Insurance Fund.	SEC. 605. (a) There is hereby created in the Treasury a permanent trust fund to be known as the National Service Life Insurance Fund. All premiums paid on account of National Service Life Insurance shall be deposited and covered into the Treasury to the credit of such fund, which, together with interest earned thereon, shall be available for the payment of liabilities under such insurance, including payment of dividends and refunds of unearned premiums. Payments from this fund shall be made upon and in accordance with awards by the Administrator.
Payments.	
Reserve amounts.	(b) The Administrator is authorized to set aside out of such fund such reserve amounts as may be required under accepted actuarial principles, to meet all liabilities under such insurance; and the Secretary of the Treasury is hereby authorized to invest and reinvest such fund, or any part thereof, in interest-bearing obligations of the United States or in obligations guaranteed as to principal and interest by the United States, and to sell such obligations for the purposes of such fund.
Cost of administration.	SEC. 606. The United States shall bear the cost of administration in connection with this part, including expenses for medical examinations, printing and binding, and for such other expenditures as are necessary in the discretion of the Administrator. The appropriations made for the Veterans' Administration for the fiscal year 1941 for administrative expenses shall be available for the payment of such costs of administration under this part.
Funds available. <i>Ante</i> , p. 139.	
Excess mortality cost, etc.	SEC. 607. (a) The United States shall bear the excess mortality cost and the cost of waiver of premiums on account of total disability traceable to the extra hazard of military or naval service, as such hazard may be determined by the Administrator.
Benefits where death traceable to extra hazard of service.	(b) Whenever benefits under such insurance become payable because of the death of the insured as the result of disease or injury traceable to the extra hazard of military or naval service, as such hazard may be determined by the Administrator, the liability for payment of such benefits shall be borne by the United States in an amount which, when added to the reserve of the policy at the time of death of the insured, will equal the then value of such benefits under such policy. The Administrator is authorized and directed to transfer from time to time from the National Service Life Insurance appropriation to the National Service Life Insurance Fund such sums as may be necessary to carry out the provisions of this section.
Transfer of sums.	(c) Whenever the premiums under such insurance are waived as provided in section 602 (n) because of the total disability of the insured as the result of disease or injury traceable to the extra hazard of military or naval service, as such hazard may be determined by the Administrator, the premiums so waived shall be paid by the United States and the Administrator is authorized and directed to transfer from time to time an amount equal to the amount of such premiums from the National Service Life Insurance appropriation to the National Service Life Insurance Fund.
Transfer of amounts to cover waiver of premiums. <i>Ante</i> , p. 1011.	SEC. 608. The Administrator, subject to the general direction of the President, shall administer, execute and enforce the provisions of this part, shall have power to make such rules and regulations, not inconsistent with the provisions of this part, as are necessary or appropriate to carry out its purposes, and shall decide all questions arising hereunder. All officers and employees of the Veterans' Administration shall perform such duties in connection with the administration of this part as may be assigned to them by the Administrator. All official
Authority of Administrator.	
Veterans' Administration employees.	

acts performed by such officers or employees designated therefor by the Administrator shall have the same force and effect as though performed by the Administrator in person. Except in the event of suit as provided in section 617 hereof, all decisions rendered by the Administrator under the provisions of this part, or regulations issued pursuant thereto, shall be final and conclusive on all questions of law and fact, and no other official or court of the United States shall have jurisdiction to review by motion or otherwise any such decision.

SEC. 609. (a) There shall be no recovery of payments made under this part from any person who, in the judgment of the Administrator, is without fault on his part and where, in the judgment of the said Administrator, such recovery would defeat the purpose of benefits otherwise authorized herein or would be against equity and good conscience. No disbursing officer or certifying officer shall be held liable for any amount paid to any person where the recovery of such amount is waived under this section.

(b) Where, under the provisions of this section, the recovery of a payment made from the National Service Life Insurance Fund is waived, the National Service Life Insurance Fund shall be reimbursed for the amount of such payment from the current appropriation for National Service Life Insurance.

SEC. 610. No State law providing for presumption of death shall be applicable to claims for National Service Life Insurance. If evidence satisfactory to the Administrator is produced establishing the fact of the continued and unexplained absence of any individual from his home and family for a period of seven years, during which period no evidence of his existence has been received, the death of such individual as of the date of the expiration of such period may, for the purposes of this part, be considered as sufficiently proved.

SEC. 611. No United States Government life insurance shall be granted hereafter to any person under the provisions of section 300 of the World War Veterans' Act, 1924, as amended: *Provided*, That this section shall not be construed to prohibit the issue of United States Government life insurance policies in cases in which acceptable applications accompanied by proper and valid remittances or authorizations for the payment of premiums have, prior to the date of enactment of this Act, been received by the Veterans' Administration or which have, prior to said date, been placed in the mails properly directed to said Veterans' Administration, or been delivered to an authorized representative of the War Department, the Navy Department, or the Coast Guard, and which are forwarded to the Veterans' Administration not later than one hundred and twenty days subsequent to said date.

SEC. 612. Any person guilty of mutiny, treason, spying, or desertion, or who, because of conscientious objections, refuses to perform service in the land or naval forces of the United States or refuses to wear the uniform of such force, shall forfeit all rights to insurance under this part. No insurance shall be payable for death inflicted as a lawful punishment for crime or for military or naval offense, except when inflicted by an enemy of the United States; but the cash surrender value, if any, of such insurance on the date of such death shall be paid to the designated beneficiary; if living, or otherwise to the beneficiary or beneficiaries within the permitted class in accordance with the order specified in section 602 (h) (3).

SEC. 613. Whoever in any claim for insurance issued under the provisions of this part makes any sworn statement of a material fact knowing it to be false, shall be guilty of perjury and shall, upon conviction thereof, be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or by both such fine and imprisonment.

Post, p. 1014.

Recovery of payments.

Reimbursement where recovery waived.

Inapplicability of State law providing for presumption of death.

U. S. Government life insurance.
43 Stat. 624.
38 U. S. C. § 511.
Proviso.
Applications received prior to enactment.

Forfeiture of rights to insurance.

Ante, p. 1010.

Perjury.

Penalty.

Fraud.

SEC. 614. Whoever, with intent to defraud the United States or any beneficiary of such insurance, shall obtain or receive any money or check for National Service Life Insurance without being entitled to the same, shall, upon conviction thereof, be punished by a fine of not more than \$2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Penalty.

False or fraudulent affidavits, etc.

SEC. 615. Any person who shall knowingly make or cause to be made, or conspire, combine, aid, or assist in, agree to, arrange for, or in any wise procure the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, or writing purporting to be such, concerning any application for insurance or reinstatement thereof, waiver of premiums or claim for benefits under National Service Life Insurance for himself or any other person, shall, upon conviction thereof, be punished by a fine of not more than \$1,000, or imprisonment for not more than one year, or by both such fine and imprisonment.

Penalty.

Application of existing laws.

38 U. S. C., Supp. V, § 450.
49 Stat. 2031, 2033.
38 U. S. C., Supp. V, §§ 101-104, 131-134.

SEC. 616. The provisions of Public Law Numbered 262, Seventy-fourth Congress, approved August 12, 1935 (49 Stat. 607), and titles II and III of Public Law Numbered 844, Seventy-fourth Congress, approved June 29, 1936 (49 Stat. 2031), insofar as they are applicable, shall apply to the provisions of this part.

Suit.
Post, p. 1197, § 11.

SEC. 617. In the event of a disagreement as to claim arising under this part, suit may be brought in the same manner and subject to the same conditions and limitations as are applicable to United States Government (converted) life insurance under the provisions of sections 19 and 500 of the World War Veterans' Act, 1924, as amended: *Provided*, That in any such suit the decision of the Administrator as to waiver or non-waiver of premiums under section 602 (n) shall be conclusive and binding on the court.

43 Stat. 612, 628.
38 U. S. C. §§ 445, 551;
Supp. V, §§ 445, 551.
Proviso.
Decision of Administrator.
Ante, p. 1011.

Citation of Part I.

SEC. 618. This part may be cited as the "National Service Life Insurance Act of 1940".

Part II—Crediting Military Service for Annuity Purposes Under the Railroad Retirement Acts

Railroad Retirement Act of 1937, amendments.

45 U. S. C., Supp. V, § 228c.

SEC. 625. The Act entitled "An Act to amend an Act entitled 'An Act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes', approved August 29, 1935," approved June 24, 1937 (50 Stat. 307), is hereby amended by inserting after section 3 the following new section:

"MILITARY SERVICE

Inclusion of military service for annuity purposes.

"SEC. 3A. (a) For the purposes of determining eligibility for an annuity and computing an annuity, including a minimum annuity, there shall also be included in an individual's years of service, within the limitations hereinafter provided in this section, voluntary or involuntary military service of an individual prior to January 1, 1937, within or without the United States during any war service period: *Provided, however*, That such military service shall be included only subject to and in accordance with the provisions of subsection (b) of section 3, in the same manner as though military service were service rendered as an employee: *Provided further*, That an individual who entered military service prior to a war service period shall not be regarded as having been in military service in a war service period with respect to any part of the period for which he entered such military service.

Provisos.
Limitation.
50 Stat. 310.
45 U. S. C., Supp. V, § 228c (b).
Military service prior to war service period.

"Military service."
50 Stat. 318.
45 U. S. C., Supp. V, §§ 215-228 (note).

"(b) For the purpose of this section and section 202, as amended, an individual shall be deemed to have been in 'military service' when commissioned or enrolled in the active service of the land or naval

forces of the United States and until resignation or discharge therefrom; and the service of any individual in any reserve component of the land or naval forces of the United States who was ordered to active duty in any such force for a period of thirty days or less shall be deemed to have been active service in such force during such period.

“(c) For the purpose of this section and section 202, as amended, a ‘war service period’ shall mean (1) any war period, or (2) with respect to any particular individual, any period during which such individual (i) having been in military service at the end of a war period, was required to continue in military service, or (ii) was required by any Act of Congress, any regulation promulgated, order issued, or proclamation made, in pursuance of such Act, to enter and continue in military service.

“War service period,”
60 Stat. 318.
45 U. S. C. Supp.
V, §§ 215-228 (note).

“(d) For the purpose of this section and section 202, as amended, a ‘war period’ shall be deemed to have begun on whichever of the following dates is the earliest: (1) the date on which the Congress of the United States declared war; or (2) the date as of which the Congress of the United States declared that a state of war has existed; or (3) the date on which war was declared by one or more foreign states against the United States; or (4) the date on which any part of the United States or any territory under its jurisdiction was invaded or attacked by any armed force of one or more foreign states; or (5) the date on which the United States engaged in armed hostilities for the purpose of preserving the Union or of maintaining in any State of the Union a republican form of government.

“War period,” date
of beginning.

“(e) For the purpose of this section and section 202, as amended, a ‘war period’ shall be deemed to have ended on the date on which hostilities ceased.

“War period,” date
of ending.

“(f) Military service shall not be included in the years of service of an individual unless, in the calendar year in which his military service in a war service period began, or in the calendar year next preceding such calendar year, he rendered service for compensation to an employer, or to a person service to which is otherwise creditable under this Act, or lost time as an employee for which he received remuneration, or was serving as an employee representative.

Military service
credits.

“(g) A calendar month in which an individual was in military service which may be included in the individual's years of service or service period, as the case may be, shall be counted as a month of service: *Provided, however,* That no calendar month shall be counted as more than one month of service.

Counting of calendar
month as a month
of service.

Proviso.
Limitation.

“(h) In determining the monthly compensation for computing an annuity, military service and any remuneration therefor shall be disregarded.

Monthly compensation
for computation
of annuity.

“(i) In the event military service is or has been used as the basis or as a partial basis for a pension, disability compensation, or any other gratuitous benefits payable on a periodic basis under any other Act of Congress, any annuity under this Act or the Railroad Retirement Act of 1935, which is based in part on such military service and is with respect to a calendar month for all or part of which such pension or other benefit is also payable, shall be reduced with respect to that month by the proportion which the number of years of service by which such military service increases the years of service, or the service period, as the case may be, bears to the total years of service, or by the aggregate amount of such pension or other benefit with respect to that month, whichever would result in the smaller reduction.

Annuity based in
part on military service.

49 Stat. 967.
45 U. S. C., Supp.
V, §§ 215-228.

“(j) Any department or agency of the United States maintaining records of military service, at the request of the Board, shall certify to the Board, with respect to any individual, the number of months of military service which such department or agency finds the indi-

Certification of mili-
tary service.

Certification of
amounts of pension,
etc.

Proviso.
Recertification.

Annuities.
Ante, p. 974; *post*, p.
1018.

49 Stat. 967.
45 U. S. C., Supp.
V, §§ 215-228.

Increased annuity
based on military
service.
Ante, p. 974.
49 Stat. 967.
45 U. S. C., Supp.
V, §§ 215-228.

Provisos.
Joint and survivor
annuity.

Effective date of in-
crease.

vidual to have had during any period or periods with respect to which the Board's request is made, the date and manner of entry into such military service, and the conditions under which such service was continued. Any department or agency of the United States which is authorized to make awards of pensions, disability compensation, or any other gratuitous benefits or allowances payable, on a periodic basis or otherwise, under any other Act of Congress on the basis of military service, at the request of the Board, shall certify to the Board, with respect to any individual, the calendar months for all or part of which any such pension, compensation, benefit, or allowance is payable to, or with respect to, the individual, the amounts of any such pension, compensation, benefit, or allowance, and the military service on which such pension, compensation, benefit, or allowance is based. Any certification made pursuant to the provisions of this subsection shall be conclusive on the Board: *Provided*, That if evidence inconsistent with any such certification is submitted, and the claim is in the course of adjudication or is otherwise open for such evidence, the Board shall refer such evidence to the department or agency which made the original certification and such department or agency shall make such recertification as in its judgment the evidence warrants. Such recertification, and any subsequent recertification, shall be conclusive, made in the same manner, and subject to the same conditions as an original certification.

"(k) In the event that an individual was, on or before the date of enactment of the Second Revenue Act of 1940, denied an annuity but could have been granted an annuity under the provisions of this Act or the Railroad Retirement Act of 1935 had military service been included in his years of service or service period, as the case may be, no annuity shall be payable with respect to such individual, or with respect to his death, by reason of the provisions of this section, unless such individual files a new application with the Board. In determining the earliest date upon which an annuity can begin to accrue for such an individual in accordance with the provisions of section 2, the filing date of the application shall be the date on which such new application is filed.

"(l) An individual who, on or before the date of enactment of the Second Revenue Act of 1940, was awarded an annuity under the provisions of this Act or the Railroad Retirement Act of 1935, but whose annuity would have been increased if his military service had been included in his years of service or service period, as the case may be, may, notwithstanding the previous award of an annuity, make application (in such manner and form as may be prescribed by the Board) for an increase in such annuity based on his military service. Upon the filing of such application, if the Board finds that the military service thus claimed is creditable and would result in an increase in the annuity, the Board, notwithstanding the previous award, shall recertify the annuity on an increased basis in the same manner as though this section had been in effect at the time of the original certification: *Provided, however*, That if the annuity previously awarded is a joint and survivor annuity, the increased annuity shall be a joint and survivor annuity of the same type except that if on the date the increase begins to accrue the individual has no spouse for whom the election of the joint and survivor annuity was made, the increase on a single life basis shall be added to the individual's annuity: *And provided further*, That such increase in the annuity shall not begin to accrue more than sixty days before the filing date of the application for an increase in the annuity based on military service, and in the event the annuity is a joint and survivor annuity, the actuarial value of the increase in annuity shall be computed as of the effective date of the increase.

"(m) In addition to the amount authorized to be appropriated in subsection (a) of section 15 of this Act, there is hereby authorized to be appropriated to the Railroad Retirement Account for each fiscal year, beginning with the fiscal year ending June 30, 1941, an amount sufficient to meet the additional expenditures necessary to be made during each such fiscal year by reason of crediting under the Railroad Retirement Acts military service prior to January 1, 1937. The Railroad Retirement Board, as promptly as practicable after the date of enactment of the Second Revenue Act of 1940, and thereafter annually, shall submit to the Bureau of the Budget estimates of such military service appropriations to be made to the account in addition to the annual estimates by the Board, in accordance with subsection (a) of section 15 of this Act, of the appropriations to be made to the account to provide for the payment of annuities, pensions and death benefits not based on military service. Each such estimate shall take into account the excess or the deficiency, if any, in such military service appropriation for the preceding fiscal year."

SEC. 626. Section 202 of such Act of June 24, 1937, is hereby amended by inserting immediately after the second proviso of such section the following new proviso: "*And provided further*, That for the purposes of determining eligibility for an annuity and computing an annuity there shall also be included in an individual's service period, subject to and in accordance with subsections (a) to (l), inclusive, of section 3A of this Act, voluntary or involuntary military service of an individual prior to January 1, 1937, within or without the United States during any war service period, if, in the calendar year in which his military service in a war service period began, or in the calendar year next preceding such calendar year, he was in the compensated service of a carrier, or of a person service to which is otherwise creditable, or was serving as a representative; but such military service shall be included only subject to and in accordance with the provisions of the Railroad Retirement Act of 1935, in the same manner as though military service were service rendered as an employee:."

Additional annual appropriations authorized.
50 Stat. 316.
45 U. S. C., Supp. V, § 228 (o).

Submittal of estimates.
Ante, p. 974.

50 Stat. 318.
45 U. S. C., Supp. V, § 215.

Proviso.
Determination of eligibility for annuity; computation.

Ante, pp. 1014-1016.

49 Stat. 967.
45 U. S. C., Supp. V, §§ 215-228.

TITLE VII—CREDIT AGAINST FEDERAL UNEMPLOYMENT TAXES

SEC. 701. CREDIT AGAINST FEDERAL UNEMPLOYMENT TAXES.

(a) ALLOWANCE OF CREDIT.—Against the tax imposed by section 901 of the Social Security Act for the calendar year 1936, 1937, or 1938, or against the tax imposed by the Federal Unemployment Tax Act for the calendar year 1939, any taxpayer shall be allowed credit for the amount of contributions paid by him into an unemployment fund under a State law—

Allowance of credit.
49 Stat. 639.
42 U. S. C., Supp. V, § 1101.
53 Stat. 183, 1396.
26 U. S. C., Supp. V, §§ 1600-1611.

(1) Before the sixtieth day after the date of the enactment of this Act;

(2) On or after such sixtieth day (except in the case of the tax for the calendar year 1939) with respect to wages paid after the fortieth day after such date of enactment;

(3) Without regard to the date of payment, if the assets of the taxpayer are, at any time during the fifty-nine-day period following such date of enactment, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction.

The amount of such credit, in the case of contributions with respect to the calendar year 1939 paid after the last day upon which the tax-

53 Stat. 186, 1396.
26 U. S. C., Supp.
V, § 1604.

49 Stat. 620.
42 U. S. C., Supp.
V, ch. 7.

53 Stat. 183, 1396.
26 U. S. C., Supp.
V, §§ 1600-1611.

49 Stat. 639.
42 U. S. C., Supp.
V, §§ 1101-1110.

49 Stat. 639.
42 U. S. C., Supp.
V, § 1101.
53 Stat. 183, 1396.
26 U. S. C., Supp.
V, § 1600.

Refund.

payer was required under section 1604 of the Federal Unemployment Tax Act to file a return for such year, shall not exceed 90 per centum of the amount which would have been allowable as credit on account of such contributions had they been paid on or before such last day. The provisions of the Social Security Act in force prior to February 11, 1939 (except the provision limiting the credit to amounts paid before the date of filing returns) shall, with respect to the tax for the calendar year 1936, 1937, or 1938, apply to allowance of credit under this section, and the provisions of the Federal Unemployment Tax Act (except section 1601 (a) (3)) shall, with respect to the tax for the calendar year 1939, apply to allowance of credit under this section. The terms used in this subsection shall, with respect to the tax for the calendar year 1936, 1937, or 1938, have the same meaning as when used in title IX of the Social Security Act prior to February 11, 1939, and shall, with respect to the tax for the calendar year 1939, have the same meaning as when used in the Federal Unemployment Tax Act. The total credit allowable against the tax imposed by section 901 of the Social Security Act for the calendar year 1936, 1937, or 1938, or against the tax imposed by section 1600 of the Federal Unemployment Tax Act for the calendar year 1939, shall not exceed 90 per centum of such tax.

(b) REFUND.—Refund of the tax (including penalty and interest collected with respect thereto, if any), based on any credit allowable under this section, may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund.

Approved, October 8, 1940, 11 p.m., E. S. T.

[CHAPTER 758]

JOINT RESOLUTION

October 8, 1940
[H. J. Res. 603]
[Pub. Res., No. 101]

To authorize the United States Maritime Commission to furnish to the State of Pennsylvania a vessel suitable for the use of the Pennsylvania State nautical school, and for other purposes.

Pennsylvania State
Nautical School.
Furnishing vessel
to.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Maritime Commission is authorized, under such rules and regulations as it may prescribe, to furnish to the State of Pennsylvania for use by the Pennsylvania State nautical school a vessel suitable for merchant marine training, together with all her apparel, charts, books, and instruments of navigation.

Supply of vessel
by any Government
agency.

SEC. 2. Any department or independent agency of the Government is hereby authorized, notwithstanding any other provision of law, to supply a suitable vessel for such use by the United States Maritime Commission: *Provided*, That the same can be spared without detriment to the service to which it is assigned.

Proviso.

Vessel to remain
U. S. property.

SEC. 3. Any vessel furnished under the authority of this joint resolution shall be and remain the property of the United States and shall be maintained in good repair by the United States Maritime Commission.

Approved, October 8, 1940.

[CHAPTER 759]

AN ACT

To amend the Agricultural Adjustment Act of 1933.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "Agricultural Adjustment Act", approved May 12, 1933, as amended, is further amended by striking out the whole of section 8f, title I, part 2, and substituting in lieu thereof the following:

"SEC. 8f. No person operating a public warehouse for the storage of any basic agricultural commodity in the current of interstate or foreign commerce shall deliver any such commodity upon which a warehouse receipt has been issued and is outstanding without prior surrender and cancelation of such warehouse receipt, except that any person operating a country public grain warehouse or warehouses may, because of lack of sufficient space to accommodate all depositors, move storage grain out of such warehouse or warehouses to another warehouse for continuous storage, under such regulations as the Secretary of Agriculture may prescribe. A non-negotiable warehouse receipt shall be issued by the warehouseman to whom the grain was shipped, and said receiving warehouseman shall give such guaranty and shall store such grain under such regulations as the Secretary of Agriculture may prescribe to assure delivery to the rightful owner of such grain in the amount, and of the kind, quality, and grade called for by his receipts. Any warehouseman who intends to ship grain while his original receipt is outstanding must recite in his receipt both the name and address of his warehouse as well as that of the warehouse to which the grain may be shipped for further storage. All grain shipped under this section must be shipped under a non-negotiable bill of lading. Any person violating any of the provisions of this subsection shall, upon conviction, be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or both. This Act shall not be construed as amending or changing in any manner the United States Warehouse Act of August 11, 1916, as amended".

Approved, October 8, 1940.

October 8, 1940
[H. R. 6480]
[Public, No. 802]

Agricultural Adjust-
ment Act, amend-
ment.
48 Stat. 35; 49 Stat.
762.
7 U. S. C. § 608 (5);
Supp. V, § 608f.
Removal of com-
modity from ware-
house without can-
celation of receipt.

Issuance of non-
negotiable warehouse
receipt.

Recitation in orig-
inal receipt.

Penalty.

39 Stat. 486.
7 U. S. C. §§ 241-273.

[CHAPTER 760]

AN ACT

To re-form the lease for the Sellwood station of the Portland (Oregon) post office.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 6 of the lease entered into on November 29, 1935, by and between Flora Noble and W. F. Noble, her husband, and the United States of America is, in order to correct a mutual mistake and to effectuate the intention of the parties to the lease at the time of its making, hereby re-formed, from the date of the execution of the lease and for its entire term of ten years, to read as follows:

"6. The Lessor shall furnish to the Government, during the occupancy of said premises, under the terms of this lease, as part of the rental consideration, the following: Said room, fitted and supplied by the Lessor with the present equipment consisting of all boxes, fixtures and furniture requisite to make the said room or rooms in every way satisfactory for use as a post office, provided that after acceptance of such equipment no additional equipment shall be required except for replacements. The Lessor shall keep the said boxes, fixtures and furniture in good repair and condition, to the satisfaction of the Post Office Department. The Lessor shall pay all taxes and water rates, and shall have this lease duly recorded, and

October 8, 1940
[H. R. 8069]
[Public, No. 803]

Portland, Oreg.,
post office.
Re-formation of
lease for Sellwood
Station.

shall properly protect all windows and doors in the workroom by iron bars or wire gratings according to requirements. The Lessor shall furnish approved heating and lighting fixtures, plumbing and toilet facilities as now installed, the necessary water and electric meters; satisfactory heat, light, power, water, and janitor service, to the extent of caring for the heating plant and the cleaning of windows when required, but all other work requiring the services of a janitor to be assumed and provided by the Lessee. The Lessor shall keep the said heating and lighting fixtures, plumbing and toilet facilities, in satisfactory repair and condition during the term of this lease."

Amendment of records.
Liability for janitor service.

Ante, p. 73.

SEC. 2. The Post Office Department, the General Accounting Office, and all concerned shall amend their records accordingly, discharging the Lessor from any alleged liability for janitor service other than as undertaken in the lease as herein re-formed and making proper allowances to the postmaster at Portland, Oregon, for expenditures made by him in supplying those janitory services not imposed by the re-formed lease upon the Lessor. So much of the amount heretofore expended by the postmaster for janitor services not covered by the re-formed lease, as may not be charged to the appropriation for the fiscal years affected, because of lapse of appropriation, or otherwise, may be charged to the current appropriation "For miscellaneous items necessary and incidental to the operation and protection of post offices of the first and second classes, and the business conducted in connection therewith, not provided for in other appropriations". Hereafter, obligations arising against the United States for janitor services pursuant to the re-formed lease shall be charged to the aforesaid appropriation for the appropriate fiscal year.

Approved, October 8, 1940.

[CHAPTER 761]

AN ACT

October 8, 1940
[H. R. 8124]
[Public, No. 804]

To provide funds for cooperation with public-school districts (organized and unorganized) in Mahnomen, Itasca, Pine, Saint Louis, Clearwater, Koochiching, and Becker Counties, Minnesota, in the construction, improvement, and extension of school facilities to be available to both Indian and white children.

Minnesota.
Appropriation authorized for cooperating with designated school districts.

Provisos.
Availability of schools to Indian children.

Plans and specifications.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$120,500 for the purpose of cooperating with the following public-school districts (both organized and unorganized) in the State of Minnesota, such appropriation to be apportioned as follows: Naytahwaush, Independent School District Numbered 29, Mahnomen County, \$19,000; Inger, District Numbered 6 (Deer River), Itasca County, \$7,000; Lake Lena, District Numbered 2, Pine County, \$12,500; Vermillion Lake, Tower-Soudan District, Saint Louis County, \$7,000; Beaulieu, unorganized district, Mahnomen County, \$12,500; Jack Pine, unorganized district, Clearwater County, \$7,000; Nett Lake, unorganized district, Saint Louis-Koochiching Counties, \$37,500; Pine Point, unorganized district, Becker County, \$3,000; Squaw Point, unorganized district, Cass County, \$15,000; for the construction, extension, equipment, and improvement of public-school facilities: *Provided*, That the expenditure of any money so authorized shall be subject to the express conditions that the schools maintained by these said districts in any buildings constructed or improved with such money shall be available to all Indian children of the districts, on the same terms, except as to payment of tuition, as other children of said school districts: *Provided further*, That plans and specifications for construction, extension, or improve-

ment of structures shall be furnished by local or State authorities without cost to the United States Government, and, upon approval thereof by the Commissioner of Indian Affairs, actual work shall proceed under the direction of such local or State officials. Payment for work in place shall be made monthly on vouchers properly certified by local officials of the Indian Service: *Provided further*, That funds appropriated pursuant to this Act may be used as sponsors' contributions for the construction, extension, equipment, and improvement of the said public-school facilities approved and carried on under funds of the Work Projects Administration: *Provided further*, That no funds available under this Act shall be expended for improvements to existing buildings which belong to a school district and which are on tribal land or for construction of new buildings on tribal land until the tribe shall have issued to the school district a permit approved by the Commissioner of Indian Affairs authorizing the use of the tracts required as school sites for so long as the land shall be used for school purposes by the school district and agreeing that the improvements and buildings shall be and remain the property of the school district. Title to improvements and to new buildings shall remain in the United States until recoupment of expenditures by the United States as provided in this Act. Upon recoupment, improvements made and new buildings constructed shall become the property of the school district: *Provided further*, That any amount expended for improvements to existing buildings belonging to the school district or for the construction of new buildings shall be recouped by the United States within a period of thirty years, commencing with the date of occupancy of the project, through reducing the annual Federal payments for the education of Indian pupils enrolled in public or high schools of the district involved, or by the acceptance of Indian pupils in such schools without cost to the United States, and in computing the amount of recoupment for each project interest at 3 per centum per annum shall be included on unrecouped balances: *And provided further*, That not to exceed 10 per centum of the amount allocated to any one of the above-named districts may be transferred, in the discretion of the Commissioner of Indian Affairs, to the allocation for any other district, but no project shall be increased more than 10 per centum by any such transfer.

Approved, October 8, 1940.

Use of funds as sponsors' contributions.

Permits authorizing use of tribal lands.

Title to improvements, etc.

Recoupment by U. S.

Transfer of allocated funds, limitation.

[CHAPTER 762]

AN ACT

Relating to the status of retired officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, and to amend section 113 of the Criminal Code.

October 8, 1940

[H. R. 9024]

[Public, No. 805]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 113 of the Criminal Code is hereby amended by inserting at the end thereof the following:

"Retired officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, while not on active duty, shall not by reason of their status as such be subject to the provisions of this section: *Provided*, That nothing herein shall be construed to allow any retired officer to represent any person in the sale of anything to the Government through the department in whose service he holds a retired status."

Approved, October 8, 1940.

Criminal Code, amendment.
35 Stat. 1109.
18 U. S. C. § 203.

Exemption of retired officers.

Proriso.
Representation in sales to Government.

[CHAPTER 763]

AN ACT

October 8, 1940
[H. R. 9636]
[Public, No. 806]

Authorizing the conveyance to the Commonwealth of Virginia of a portion of the naval reservation known as Naval Proving Ground, Dahlgren, Virginia.

Virginia.
Conveyance of cer-
tain land to, author-
ized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized and empowered in the name and on behalf of the United States of America to convey to the Commonwealth of Virginia, upon such terms and conditions as he may prescribe, all right, title, and interest of the United States of America in and to that portion of the Naval Proving Ground, Dahlgren, King George County, Virginia, upon which the Commonwealth of Virginia has been granted permission to construct, maintain, and operate a State highway designated as Route Numbered 207 by a permit issued by the Secretary of the Navy on April 18, 1940: *Provided*, That the Secretary of the Navy is authorized to make such deviations in the description of the land involved as may be necessary to carry out the purposes and intent of this Act.

Proviso.
Deviations in de-
scription.

Effective date.

SEC. 2. This Act shall be in force from the date of its passage.

Approved, October 8, 1940.

[CHAPTER 764]

AN ACT

October 8, 1940
[H. R. 10080]
[Public, No. 807]

To amend section 3493 of the Internal Revenue Code, formerly section 404 of the Sugar Act of 1937.

Internal Revenue
Code, amendment.
53 Stat. 427.
26 U. S. C., Supp.
V, § 3493.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3493 of the Internal Revenue Code (53 Stat. , part 1) be, and it is hereby, amended to read as follows:

"SEC. 3493. EXPORTATION.

Refund of tax paid.

"(a) REFUND OF TAX PAID.—Upon the exportation from the United States to a foreign country, or the shipment from the United States to any possession of the United States except Puerto Rico, of any manufactured sugar, or any article manufactured wholly or partly from manufactured sugar, with respect to which tax under the provisions of section 3490 has been paid, the amount of such tax shall be paid by the Commissioner of Internal Revenue to the consignor named in the bill of lading under which the article was exported or shipped to a possession, or to the shipper, or to the manufacturer of the manufactured sugar or of the articles exported, if the consignor waives any claim thereto in favor of such shipper or manufacturer: *Provided*, That no such payment shall be allowed with respect to any manufactured sugar, or article, upon which, through substitution or otherwise, a drawback of any tax paid under section 3500 has been or is to be claimed under any provisions of law made applicable by section 3501.

Proviso.
Disallowance of cer-
tain payments.

Period for
refund claim.

"(b) PERIOD FOR FILING REFUND CLAIM.—No payment shall be allowed under this section unless within two years after the right to such payment has accrued a claim therefor is filed by the person entitled thereto."

Approved, October 8, 1940.

[CHAPTER 765]

AN ACT

To authorize the appointment of graduates of the Naval Reserve Officers' Training Corps to the line of the Regular Navy, and for other purposes.

October 8, 1940
[H. R. 10406]
[Public, No. 808]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That officers of the Naval Reserve commissioned therein upon graduation from the Naval Reserve Officers' Training Corps shall be eligible for appointment to commissioned rank in the line of the Regular Navy in such numbers as the President may deem necessary. Officers so appointed shall, upon appointment, occupy the same grade, with the same precedence, occupied by them in the Naval Reserve.

Regular Navy.
Appointment to, of
commissioned Naval
Reserve officers.

SEC. 2. All appointees authorized by section 1 of this Act shall, on June 30 of the calendar year in which appointed, be less than twenty-six years of age, shall, on the same date, have completed at least one year of continuous active duty on board ships of the Navy, and shall, before appointment, establish their moral, physical, mental, and professional qualifications in accordance with such rules and regulations as the Secretary of the Navy may prescribe.

Requirements.

SEC. 3. Each officer appointed pursuant to the foregoing sections to the grade of ensign and each officer so appointed to a grade above that of ensign shall, respectively, become eligible for promotion, or for consideration by a line selection board as of the date the line officer next junior to him becomes so eligible: *Provided*, That the qualification of sea service prescribed in section 11 (c) of the Act of June 23, 1938 (52 Stat. 948), shall not apply to such officers while in the grade to which originally appointed.

Promotion.

SEC. 4. Any officer of the Naval Reserve and Marine Corps Reserve may, with his own consent, be employed on active duty other than training duty in time of peace for such periods as the Secretary of the Navy may determine: *Provided*, That pay and allowances of officers employed on active duty pursuant to this section shall be paid from appropriations for "Pay, Subsistence, and Transportation of Naval Personnel" and "Pay, Marine Corps", as the case may be.

Proviso.
Sea service.
34 U. S. C., Supp.
V. § 311.

Officers of Naval
and Marine Corps
Reserve.
Active duty in time
of peace.
Proviso.
Pay and allowances.

Approved, October 8, 1940.

[CHAPTER 777]

AN ACT

To amend section 4472 of the Revised Statutes (U. S. C., 1934 edition, title 46, sec. 465) to provide for the safe carriage of explosives or other dangerous or semidangerous articles or substances on board vessels; to make more effective the provisions of the International Convention for Safety of Life at Sea, 1929, relating to the carriage of dangerous goods; and for other purposes.

October 9, 1940
[H. R. 7357]
[Public, No. 809]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4472 of title 52 of the Revised Statutes, as amended (U. S. C., 1934 edition, title 46, sec. 465), is hereby amended to read as follows:

Carriage of danger-
ous cargoes.

"SEC. 4472. (1) The word 'vessel' as used in this section shall include every vessel, domestic or foreign, regardless of character, tonnage, size, service, and whether self-propelled or not, on the navigable waters of the United States, including its Territories and possessions, but not including the Panama Canal Zone and the Philippine Islands, whether arriving or departing, or under way, moored, anchored, aground, or while in drydock; it shall not include any public vessel which is not engaged in commercial service, nor any vessel subject to the provisions of section 4417a of the Revised Statutes, as amended, which is constructed or converted for the principal

"Vessel" defined.

46 U. S. C., Supp.
V, § 391a.

<i>Proviso.</i> Applicability of sub- section (3).	<p>purpose of carrying inflammable or combustible liquid cargo in bulk in its own tanks: <i>Provided</i>, That the provisions of subsection (3) of this section shall apply to every such vessel subject to the provisions of section 4417a of the Revised Statutes, as amended, which is constructed or converted for the principal purpose of carrying inflammable or combustible liquid cargo in bulk in its own tanks.</p>
<p>"Passenger-carrying vessel" defined.</p> <p>50 Stat. 1121.</p>	<p>"(2) The phrase 'passenger-carrying vessel' as used in this section, when applied to a vessel subject to any provision of the International Convention for Safety of Life at Sea, 1929, means a vessel which carries or is authorized to carry more than twelve passengers.</p>
<p>Transportation of dry fulminates in bulk, etc.</p>	<p>"(3) It shall be unlawful knowingly to transport, carry, convey, store, stow, or use on board any vessel fulminates or other detonating compounds in bulk in dry condition, or explosive compositions that ignite spontaneously or undergo marked decomposition when subjected for forty-eight consecutive hours to a temperature of one hundred and sixty-seven degrees Fahrenheit, or compositions containing an ammonium salt and a chlorate, or other like explosives.</p>
<p>Transportation of high explosives on passenger-carrying vessels.</p>	<p>"(4) It shall be unlawful knowingly to transport, carry, convey, store, stow, or use on board any passenger-carrying vessel any high explosives such as, and including, liquid nitroglycerin, dynamite, trinitrotoluene, picrates, detonating fuzes, fireworks that can be exploded en masse, or other explosives susceptible to detonation by a blasting cap or detonating fuze, except ships' signal and emergency equipment, and samples of such explosives (but not including liquid nitroglycerin) for laboratory or sales purposes in restricted quantities as may be permitted by regulations of the Secretary of Commerce established hereunder.</p>
<p>Transportation of high explosives on other vessels.</p>	<p>"(5) It shall be unlawful knowingly to transport, carry, convey, store, stow, or use on board any vessel other than a passenger-carrying vessel, any high explosive referred to in subsection (4) hereof except as permitted by the regulations of the Secretary of Commerce established hereunder.</p>
<p>Transportation of other explosives.</p>	<p>"(6) (a) It shall be unlawful knowingly to transport, carry, convey, store, stow, or use (except as fuel for its own machinery) on board any vessel, except one specifically exempted by paragraph (b) of this subsection, any other explosives or other dangerous articles or substances, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, poisonous articles or substances, hazardous articles, and ships' stores and supplies of a dangerous nature, except as permitted by the regulations of the Secretary of Commerce established hereunder: <i>Provided</i>, That all of the provisions of this subsection relating to the transportation, carrying, conveying, storing, stowing, or use of explosives or other dangerous articles or substances shall apply to the transportation, carrying, conveying, storing, stowing, or using on board any passenger vessel of any barrels, drums, or other packages of any combustible liquid which gives off inflammable vapors (as determined by flash-point in open cup tester as used for test of burning oil) at or below a temperature of one hundred and fifty degrees Fahrenheit and above eighty degrees Fahrenheit.</p>
<p><i>Proviso.</i> Applicability to drums, etc., of certain combustible liquids.</p>	<p>"(b) This subsection shall not apply to—</p>
<p>Nonapplicability of subsection (6) to certain vessels, etc.</p>	<p>"(i) vessels not exceeding fifteen gross tons when not engaged in carrying passengers for hire;</p> <p>"(ii) vessels used exclusively for pleasure;</p> <p>"(iii) vessels not exceeding five hundred gross tons while engaged in the fisheries;</p> <p>"(iv) tugs or towing vessels: <i>Provided, however</i>, That any such vessel, when engaged in towing any vessel that has explosives, inflammable liquids, or inflammable compressed gases on board</p>

on deck, shall be required to make such provisions to guard against and extinguish fire as shall be prescribed by the Board of Supervising Inspectors and approved by the Secretary of Commerce;

“(v) cable vessels, dredges, elevator vessels, fireboats, ice-breakers, pile drivers, pilot boats, welding vessels, salvage and wrecking vessels;

“(vi) inflammable or combustible liquid cargo in bulk: *Provided, however,* That the handling and stowage of any inflammable or combustible liquid cargo in bulk shall be subject to the provisions of section 4417a of the Revised Statutes, as amended.

“(7) In order to secure effective provisions against the hazards of health, life, limb, or property created by explosives or other dangerous articles or substances to which subsection (3), (4), (5), or (6) of this section apply—

“(a) The Secretary of Commerce shall by regulations define, describe, name, and classify all explosives or other dangerous articles or substances, and shall establish such regulations as may be necessary to make effective the provisions of this section with respect to the descriptive names, packing, marking, labeling, and certification of such explosives or other dangerous articles or substances; with respect to the specifications of containers for explosives or other dangerous articles or substances; with respect to the marking and labeling of said containers; and shall accept and adopt for the purposes above mentioned in this subsection such definitions, descriptions, descriptive names, classifications, specifications of containers, packing, marking, labeling, and certification of explosives or other dangerous articles or substances to the extent as are or may be established from time to time by the Interstate Commerce Commission insofar as they apply to shippers by common carriers engaged in interstate or foreign commerce by water. The Secretary of Commerce shall also establish regulations with respect to the marking, handling, storage, stowage, and use of explosives or other dangerous articles or substances on board such vessels; with respect to the disposition of any explosives or other dangerous articles or substances found to be in an unsafe condition; with respect to the necessary shipping papers, manifests, cargo-stowage plans, and the description and descriptive names of explosives or other dangerous articles or substances to be entered in such shipping documents; also any other regulations for the safe transportation, carriage, conveyance, storage, stowage, or use of explosives or other dangerous articles or substances on board such vessels as the Secretary of Commerce shall deem necessary; and with respect to the inspection of all the foregoing mentioned in this paragraph. The Secretary of Commerce may utilize the services of the Bureau for the Safe Transportation of Explosives and Other Dangerous Articles, and of such other organizations whose services he may deem to be helpful.

“(b) The transportation, carriage, conveyance, storage, stowage, or use of such explosives or other dangerous articles or substances shall be in accordance with the regulations so established, which shall, insofar as applicable to them, respectively, be binding upon shippers and the owners, charterers, agents, masters, or persons in charge of such vessels, and upon all other persons transporting, carrying, conveying, storing, stowing, or using on board any such vessels any explosives or other dangerous articles or substances: *Provided,* That this section shall not be construed to prevent the transportation of military or naval forces with their accompanying munitions of war and stores.

⁴⁶ U. S. C., Supp. V, § 391a.

Regulations by the Secretary of Commerce.

Definitions, descriptions, etc., of explosives.

Marking, handling, etc.

Utilization of helpful services.

Applicability of regulations.

Proviso. Military, etc., forces.

Nonexemption of vessels from certain requirements.

"(c) Nothing contained in this section shall be construed to relieve any vessel subject to the provisions of this section from any other of the requirements of title 52 (secs. 4399 to 4500, inclusive) of the Revised Statutes or Acts amendatory or supplementary thereto and regulations thereunder applicable to such vessel, which are not inconsistent herewith.

Local regulations.

"(d) Nothing contained in this section shall be construed as preventing the enforcement of reasonable local regulations now in effect or hereafter adopted, which are not inconsistent or in conflict with this section or the regulations of the Secretary of Commerce established hereunder.

Refusal to transport explosives, etc.

"(8) Any master, owner, charterer, or agent shall refuse to transport any explosives or other dangerous articles or substances in violation of any provisions of this section and the regulations established thereunder, and may require that any container or package which he has reason to believe contains explosives or other dangerous articles or substances be opened to ascertain the facts.

Public hearings on proposed regulations, etc.

"(9) Before any regulations or any additions, alterations, amendments, or repeals thereof are made under the provisions of this section, except in an emergency, such proposed regulations shall be published and public hearings with respect thereto shall be held on such notice as the Secretary of Commerce deems advisable under the circumstances. Any additions, alterations, amendments, or repeals of such regulations shall, unless a shorter time is authorized by the Secretary of Commerce, take effect ninety days after their promulgation.

Effective date of amendments, etc.

False or deceptive marking, etc.

"(10) It shall be unlawful knowingly to deliver or cause to be delivered, or tender for shipment to any vessel subject to this section any explosives or any other dangerous articles or substances defined in the regulations of the Secretary of Commerce established hereunder under any false or deceptive descriptive name, marking, invoice, shipping paper, or other declaration and without informing the agent of such vessel in writing of the true character thereof at or before the time such delivery or transportation is made. It shall be unlawful for any person to tender for shipment, or ship on any vessel to which this section applies, any explosives or other dangerous articles or substances the transportation, carriage, conveyance, storage, stowage, or use of which on board vessels is prohibited by this section.

Exemption of vessels upon certain findings.

"(11) The Secretary of Commerce may exempt any vessel or class of vessels from any of the provisions of this section or any regulations or parts thereof established hereunder upon a finding by him that the vessel, route, area of operations, conditions of the voyage, or other circumstances are such as to render the application of this section or any of the regulations established hereunder unnecessary for the purposes of safety: *Provided*, That except in an emergency such exception shall be made for any vessel or class of vessels only after a public hearing.

Proviso.
Public hearing.

Enforcement agencies.

"(12) The provisions of this section and the regulations established hereunder shall be enforced primarily by the Bureau of Marine Inspection and Navigation of the Department of Commerce and the Coast Guard of the Department of the Treasury; and the Secretary of Commerce, with the consent of the head of any executive department, independent establishment, or other agency of the Government, may avail himself of the use of information, advice, services, facilities, officers, and employees thereof (including the field service) in carrying out the provisions of this section: *Provided*, That no officer or employee of the United States shall receive any additional compensation for such services, except as permitted by law.

Proviso.
Additional compensation.

Detention of vessels violating provisions.

"(13) Any collector of customs may, upon his own knowledge, or upon the sworn information of any reputable citizen of the United

States, that any vessel subject to this section is violating any of the provisions of this section or of the regulations established hereunder, by written order served on the master, person in charge of such vessel, or the owner or charterer thereof, or the agent of the owner or charterer, detain such vessel until such time as the provisions of this section and of the regulations established hereunder have been complied with. If the vessel be ordered detained, the master, person in charge, or owner or charterer, or the agent of the owner or charterer thereof, may within five days appeal to the Secretary of Commerce, who may, after investigation, affirm, set aside, or modify the order of such collector. If any reputable citizen of the United States furnishes sworn information to any collector of customs that any vessel, subject to this section, is violating any of the provisions of this section or of the regulations established hereunder, and such information is knowingly false, the person so falsely swearing shall be deemed guilty of perjury.

Appeal, if detained.

False information deemed perjury.

Penalty.

Liability of vessel for penalty.

Death, etc., resulting from violations.

Penalty.

Transportation of gasoline, etc., used by motor vehicles.

Provisos. Motors to be stopped.

Other fire to be extinguished.

Operation of motor vehicle auxiliaries.

Right of refusal to transport vehicles.

Liability for violations.

Penalty.

Limitation of penalty.

“(14) Whoever shall knowingly violate any of the provisions of this section or of any regulations established under this section shall be subject to a penalty of not more than \$2,000 for each violation. In the case of any such violation on the part of the owner, charterer, agent, master, or person in charge of the vessel, such vessel shall be liable for the penalty and may be seized and proceeded against by way of libel in the district court of the United States in any district in which such vessel may be found.

“(15) When the death or bodily injury of any person results from the violation of this section or any regulations made in pursuance thereof, the person or persons who shall have knowingly violated or caused to be violated such provisions or regulations shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

“(16) The transportation by vessels of gasoline or any other inflammable or combustible liquid or inflammable gas when carried by motor vehicles using the same as a source of their own motive power, or motive power for driving auxiliaries forming a part of the vehicle, shall be lawful under the conditions as set forth in the regulations established by the Secretary of Commerce under this section: *Provided, however,* That the motor or motors in any vehicle be stopped immediately after entering the said vessel, and that the same be not restarted until immediately before said vehicle shall leave the vessel after said vessel has been made fast to the wharf or ferry bridge at which she lands. All other fire, if any, in such vehicle shall be extinguished before entering the said vessel and the same shall not be relighted until after said vehicle shall leave the vessel: *Provided further,* That the Secretary of Commerce, may, by regulation, permit the operation on board vessels of motive power for driving auxiliaries forming a part of motor vehicles, under such conditions as he may deem proper: *Provided further,* That any owner, charterer, agent, master, or other person having charge of a vessel shall have the right to refuse to transport motor vehicles the fuel tanks of which contain gasoline or other inflammable or combustible liquid or inflammable gas used as a source of power for the vehicle or its auxiliaries: *Provided further,* That the owner, motor carrier, and operator of any such vehicle in which all fires have not been extinguished or the motor or motors stopped as required by this subsection or regulations established thereunder, and the owner, charterer, agent, master, or person in charge of the vessel on which such vehicle is transported, shall each be liable to a penalty of not more than \$500, for which the motor vehicle and vessel, respectively, shall be liable: *And provided further,* That a violation of this subsection shall not subject any person to the penalty provided in subsection (14) or (15) hereof.”

Fire prevention.

SEC. 2. (a) Such provision to guard against and extinguish fire shall be made on every vessel which is subject to the provisions of subsection (4), (5), or (6) of Section 1 of this Act, or of any other section of title 52 of the Revised Statutes, as amended (sections 4399 to 4500, inclusive), or Acts amendatory or supplementary thereto, as shall be prescribed by the Board of Supervising Inspectors and approved by the Secretary of Commerce.

Lifeboats, etc., using combustible fuel.

(b) Nothing herein contained shall prohibit the use by any vessel of motorboats, launches, or lifeboats equipped with engines using an inflammable or combustible fuel, nor shall anything herein contained prohibit such motorboats, launches, or lifeboats from carrying such inflammable or combustible fuel in their tanks: *Provided*, That no such inflammable or combustible fuel for the engines of such motorboats, launches, or lifeboats shall be carried except as may be prescribed by regulations of the Board of Supervising Inspectors with the approval of the Secretary of Commerce: *Provided further*, That the use of such lifeboats shall be under such regulations as shall be prescribed by the Board of Supervising Inspectors with the approval of the Secretary of Commerce.

Proviso.
Carrying of fuel for lifeboats, etc.

Use of lifeboats.

R. S. § 4417a, amendment.
49 Stat. 1889.

SEC. 3. Section 4417a of the Revised Statutes (U. S. C., 1934 edition, title 46, Supp. V, sec. 391a) is hereby amended by deleting from paragraph 2 thereof the following proviso: "Provided, That the provisions of this section shall not apply to common carriers engaged in interstate or foreign commerce which transport such liquid cargo by water insofar only as such common carriers are subject to the regulations formulated by the Interstate Commerce Commission under the provisions of section 233 of the Act of March 4, 1909 (ch. 321, 35 Stat. 1135), as amended (18 U. S. C. 383)"; and by amending the second proviso in paragraph 4 thereof to read as follows: "*And provided further*, That no permit shall be issued under the provisions of this section authorizing the presence on board any vessel of any of the materials expressly prohibited from being thereon by subsection (3) of section 4472 of the Revised Statutes, as amended".

Proviso.
Permits for prohibited materials.

46 U. S. C. § 465.

R. S. § 4424, amendment.

SEC. 4. Section 4424 of the Revised Statutes, as amended (U. S. C., 1934 edition, title 46, sec. 402), is amended by deleting the words "or whenever any passenger steam vessel receives or carries any gunpowder on board, not having a certificate authorizing the same, placed and kept as required, or shall carry any gunpowder at a place or in a manner not authorized by such certificate".

R. S. § 4457, amendment.

SEC. 5. Section 4457 of the Revised Statutes (U. S. C., 1934 edition, title 46, sec. 414) is amended by deleting the words "certificates authorizing gunpowder to be carried as freight by any steamer carrying passengers, and of".

Criminal Code, amendments.
35 Stat. 1134, 1135.

SEC. 6. Sections 232, 233, 234, and 235 of the Criminal Code, as amended (U. S. C., 1934 edition, title 18, secs. 382 to 385, inclusive), are amended:

(a) By striking out "vessel" and "vessels" wherever appearing in sections 232, 234, and 235;

(b) By striking out "or water" where first appearing in section 233; and

(c) By striking out "or water" where last appearing in section 235.

Repeals.

49 Stat. 868.

SEC. 7. Sections 4278, 4279, and 4280 of the Revised Statutes (U. S. C., 1934 edition, title 46, secs. 172, 173, 174); section 4288 of the Revised Statutes, as amended (U. S. C., 1934 edition, title 46, sec. 175); the Act of August 26, 1935 (U. S. C., 1934 edition, title 46, Supp. V, secs. 178, 179); sections 4422, as amended, 4473, 4475, and 4476 of the Revised Statutes (U. S. C., 1934 edition, title 46, secs. 401, 466, 468, and 469) are hereby repealed.

Appropriation authorized.

SEC. 8. There are hereby authorized to be appropriated such sums of money as may be necessary to carry out the provisions of this Act.

SEC. 9. This Act shall become effective six months after the date of approval, except as to subsection (7) of section 1 hereof, which subsection shall become effective on the date of approval. Such initial regulations as may be necessary to make the Act effective shall be promulgated within ninety days from the date of approval hereof: *Provided, however,* That during any national emergency proclaimed by the President, he may, in his discretion, accelerate any or all provisions of this section.

SEC. 10. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act, and the application of the provisions thereof, shall not be affected thereby.

Approved, October 9, 1940.

Effective dates.

Promulgation of initial regulations.

Proviso.
Acceleration of provisions during national emergency.

Separability of provisions.

[CHAPTER 778]

AN ACT

To authorize the Secretary of the Treasury to order retired commissioned and warrant officers of the Coast Guard to active duty during time of national emergency, and for other purposes.

October 9, 1940
[H. R. 10337]
[Public, No. 810]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any commissioned or warrant officer of the Coast Guard on the retired list may at any time, with his consent, in the discretion of the Secretary of the Treasury, be ordered to active duty.

Coast Guard.
Active duty of retired officers.

SEC. 2. That all authority or discretion vested in the Secretary of the Navy to order commissioned and warrant officers of the Coast Guard on the retired list to active duty while the Coast Guard is not operating as a part of the Navy, is hereby transferred to and vested in the Secretary of the Treasury.

Transfer of authority.

Approved, October 9, 1940.

[CHAPTER 779]

AN ACT

To assist in the national-defense program by amending sections 3477 and 3737 of the Revised Statutes to permit the assignment of claims under public contracts.

October 9, 1940
[H. R. 10464]
[Public, No. 811]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 3477 and 3737 of the Revised Statutes be amended by adding at the end of each such section the following new paragraph:

Assignment of Claims Act of 1940.
31 U. S. C. § 203; 41 U. S. C. § 15.

"The provisions of the preceding paragraph shall not apply in any case in which the moneys due or to become due from the United States or from any agency or department thereof, under a contract providing for payments aggregating \$1,000 or more, are assigned to a bank, trust company, or other financing institution, including any Federal lending agency: *Provided,*

Assignment of claims upon U. S. to banks, etc.

"1. That in the case of any contract entered into prior to the date of approval of the Assignment of Claims Act of 1940, no claim shall be assigned without the consent of the head of the department or agency concerned;

Proviso.
Prior contracts; consent to assignment.

"2. That in the case of any contract entered into after the date of approval of the Assignment of Claims Act of 1940, no claim shall be assigned if it arises under a contract which forbids such assignment;

Contracts forbidding assignment.

"3. That unless otherwise expressly permitted by such contract any such assignment shall cover all amounts payable under such contract and not already paid, shall not be made to more than one party, and shall not be subject to further assignment, except that

Limitations on assignment.

Filing of written
notice by assignee.

any such assignment may be made to one party as agent or trustee for two or more parties participating in such financing;

"4. That in the event of any such assignment, the assignee thereof shall file written notice of the assignment together with a true copy of the instrument of assignment with—

"(a) the General Accounting Office,

"(b) the contracting officer or the head of his department or agency,

"(c) the surety or sureties upon the bond or bonds, if any, in connection with such contract, and

"(d) the disbursing officer, if any, designated in such contract to make payment.

Validity of assign-
ment.

Notwithstanding any law to the contrary governing the validity of assignments, any assignment pursuant to the Assignment of Claims Act of 1940 shall constitute a valid assignment for all purposes."

War or Navy De-
partment contracts.
Set-off, etc., of as-
signor's indebtedness
to U. S.

Any contract entered into by the War Department or the Navy Department may provide that payments to an assignee of any claim arising under such contract shall not be subject to reduction or set-off, and if it is so provided in such contract, such payments shall not be subject to reduction or set-off for any indebtedness of the assignor to the United States arising independently of such contract.

Short title.

SEC. 2. This Act may be cited as the "Assignment of Claims Act of 1940".

Approved, October 9, 1940.

[CHAPTER 780]

AN ACT

October 9, 1940
[H. R. 10539]
[Public, No. 812]

Making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes.

First Supplemental
Civil Functions Ap-
propriation Act, 1941.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes, namely:

TITLE I—GENERAL APPROPRIATIONS

LEGISLATIVE

SENATE

Ernest Lundeen.
Payment to widow.

For payment to Norma Ward Lundeen, widow of Ernest Lundeen, late a Senator from the State of Minnesota, \$10,000.

Clerical assistance.
Ante, p. 464.

So much as may be necessary of the appropriation "Clerical Assistance to Senators, 1941" is hereby made available to enable the Secretary of the Senate to pay two additional clerks at \$1,500 per annum each, one for each Senator from the State of Wisconsin, from the date the Census Bureau officially announces the population of said State to exceed three million to June 30, 1941.

Compensation of
clerk of Finance Com-
mittee.
Ante, p. 463.

For an amount required to increase the compensation of the clerk of the Finance Committee of the Senate at the rate of \$1,000 per annum so long as the position is held by the present incumbent, \$750.

Assistant superin-
tendents of press gal-
lery.

Beginning with the first day of the month next following the enactment of this Act, the compensation of the assistant superintendents of the Senate press gallery shall be at the respective rates of \$3,000 and \$1,920 per annum, and the Legislative Branch Appropriation Act for the fiscal year 1941 hereby is amended accordingly.

Ante, p. 465.

Miscellaneous
items.

For miscellaneous items, exclusive of labor, fiscal year 1940, \$40,000.

For repairs, improvements, equipment, and supplies for the Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended from the contingent fund of the Senate, under the supervision of the Committee on Rules, United States Senate, \$15,000.

Kitchens and restaurants.
Ante, p. 466.

No part of any appropriation made for the contingent expenses of the Senate shall be used to defray the expenses of any person except the members of any congressional committee, the Sergeant at Arms of the Senate or a representative of his office, and except the widow or minor children or both of the deceased, to attend the funeral rites and burial of any person who at the time of his or her death was a Senator of the United States.

Funeral expenses.

HOUSE OF REPRESENTATIVES

For payment to the widow of William B. Bankhead, late a Representative from the State of Alabama, \$10,000.

William B. Bankhead.
Payment to widow.

For payment to the widow of Willis Benjamin Gibbs, late a Representative from the State of Georgia, \$10,000.

Willis Benjamin Gibbs.
Payment to widow.

For payment, in equal increments to each, to the sons and the daughter of George N. Seger, late a Representative from the State of New Jersey, \$10,000.

George N. Seger.
Payment to sons and daughter.

The three foregoing sums to be disbursed by the Sergeant at Arms of the House of Representatives.

Contested-election expenses: For payment to Estes Kefauver, contestee, for expenses incurred in the contested-election case of Neal versus Kefauver, as audited and recommended by the Committee on Elections Numbered 1, \$360.07.

Contested-election expenses.

For payment to Albert F. Swanson, contestant, for expenses incurred in the contested-election case of Swanson versus Harrington, as audited and recommended by the Committee on Elections Numbered Three, \$2,000.

The foregoing sums for contested-election expenses to be disbursed by the Clerk of the House of Representatives.

ARCHITECT OF THE CAPITOL

Senate Office Building: For painting the Senate Cabinet Shop, located in the Senate Office Building, under the Office of the Sergeant at Arms, \$1,400.

Senate Cabinet Shop.
Ante, p. 473.

LIBRARY OF CONGRESS

Books for the adult blind: For an additional sum required to enable the Librarian of Congress to carry out the provisions of the Act entitled "An Act to provide books for the adult blind," approved March 3, 1931 (2 U. S. C. 135a), as amended, \$25,000.

Books for adult blind.
Ante, p. 476.
46 Stat. 1487.
2 U. S. C. §§ 135a, 135b; Supp. V, § 135a.

GOVERNMENT PRINTING OFFICE

The Superintendent of Documents is hereby authorized to deliver to the Librarian of Congress, from the sales stock in the Government Printing Office, two hundred and fifty sets of The Writings of George Washington, as published by the Bicentennial Commission, for distribution through international exchange and for such other distribution for the use of foreign governments as may be deemed appropriate.

The Writings of George Washington.
Distribution.

INDEPENDENT ESTABLISHMENTS

BENJAMIN HARRISON MEMORIAL COMMISSION

The appropriation of \$2,500 for the Benjamin Harrison Memorial Commission, contained in the First Deficiency Appropriation Act, 1940, approved April 6, 1940 (Public Act Numbered 447, Seventy-sixth

Reappropriation.

Ante, p. 83.

Congress), is hereby continued available to and including December 31, 1940, for the purposes and under the conditions specified for such appropriation in such Act.

CIVIL SERVICE COMMISSION

Prevention of pernicious political activities.

Ante, p. 767.

Prevention of pernicious political activities: For all necessary expenditures of the Civil Service Commission in performing the duties imposed upon it by the Act of July 19, 1940 (Public Act Numbered 753, 76th Congress), including personal services in the District of Columbia and elsewhere; contract stenographic reporting services; advertising; streetcar fares (not to exceed \$100); purchase and exchange of books of reference and periodicals (not to exceed \$500); traveling expenses; witness fees and mileage, including fees to deponents and persons taking deposition, at rates paid in the courts of the United States; and printing and binding, \$100,000.

COUNCIL OF NATIONAL DEFENSE

Expenses.

Ante, p. 599.

Ante, pp. 377, 297.

The appropriation for the expenses of the Council of National Defense contained in the "First Supplemental National Defense Appropriation Act, 1941", approved June 26, 1940, and allocations to the Council of National Defense, the Advisory Commission, and other subordinate bodies of the Council from the appropriations entitled "Emergency Fund For The President" contained in the Acts making appropriations for the Military Establishment and the Navy Department for the fiscal year 1941, approved June 13 and June 11, 1940, shall be available for the payment of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses of members of the Commission, subordinate bodies of the Council, persons serving at \$1 per annum, and persons serving while away from their homes, without other compensation from the United States, in an advisory capacity to the Council, the Advisory Commission or other subordinate bodies of the Council, or in attendance at meetings concerned with the national defense.

FEDERAL COMMUNICATIONS COMMISSION

Salaries and expenses.

Ante, p. 118.

Proriso.
Personal services.

Relocation of monitoring stations.

Salaries and expenses: For an additional amount for salaries and expenses, Federal Communications Commission, including the objects and subject to the limitations specified under this head in the Independent Offices Appropriation Act, 1941, \$125,000: *Provided*, That the limitation in such Act of \$1,246,340 which may be expended under this head for personal services in the District of Columbia is hereby increased to \$1,350,000.

Relocation of monitoring stations: For the relocation of radio monitoring stations at sites to be selected by the Federal Communications Commission in the States of Oregon, California, Michigan, Maryland, Georgia, and Massachusetts, including the purchase of land, provided suitable sites now owned by the Government cannot be made available, construction of suitable buildings or modification or reconstruction of existing buildings, the providing for necessary apparatus and equipment, erection of goniometric apparatus, the construction and installation of roadways, power, water and sanitary facilities, associated antenna systems, and other necessary expenses, \$175,000.

FEDERAL SECURITY AGENCY

CIVILIAN CONSERVATION CORPS

The Federal Security Agency Appropriation Act, 1941, is amended by striking out "\$176,880,000" under the heading "Civilian Conservation Corps," and inserting in lieu thereof "\$166,880,000": *Provided*, That upon the written recommendation of the Federal Security Administrator and with the approval of the President, the limitations upon the amount of expenditures under the several classes of objects of expenditure as fixed by the third proviso under such heading in such Act may be exceeded by more than the 10 per centum permitted therein.

Ante, p. 581.
Civilian Conserva-
tion Corps.

Proviso.
Limitation on ex-
penditures.

Such Act is further amended by adding after the last sentence under such heading the following:

"Notwithstanding the limitation herein on expenditures by the Office of the Director within the District of Columbia, the Director, Civilian Conservation Corps, in administering the funds herein appropriated is authorized, with the approval of the Federal Security Administrator, to fix the amount of and to transfer to the Office of the Director the funds necessary to carry out the functions transferred with the approval of the Federal Security Administrator from cooperating agencies to the Office of the Director."

Transfer of funds.

PUBLIC HEALTH SERVICE

Miscellaneous and contingent expenses: Not to exceed \$10,000 of the amount appropriated for "Pay of Personnel and Maintenance of Hospitals, Public Health Service, 1941" in the Federal Security Agency Appropriation Act, 1941, may be transferred to the appropriation "Miscellaneous and Contingent Expenses, Public Health Service, 1941."

Miscellaneous and
contingent expenses.
Ante, p. 585.

Ante, p. 584.

Pay, and so forth, commissioned officers, Public Health Service: For an additional amount for pay, allowance and commutation of quarters for not to exceed twenty additional regular active commissioned officers, \$47,340.

Commissioned offi-
cers, pay, etc.
Ante, p. 584.

Section 702 of the Labor-Federal Security Appropriation Act, 1941, approved June 26, 1940 (Public Act Numbered 665, Seventy-sixth Congress), is hereby amended by inserting after the word "Corps", in the second proviso thereof, the words: "or the Public Health Service".

Ante, p. 597.

OFFICE OF EDUCATION

Education and training of defense workers: For payment to States, subdivisions thereof, or other public authorities operating public educational facilities, and where hereinafter authorized to engineering schools and universities, through certification from time to time made by the United States Commissioner of Education (hereinafter referred to as the "Commissioner") to the Secretary of the Treasury of the name of such agency or the name of such engineering school or university and the officer thereof to whom payment is to be made, and the amount to be paid, such payment to be made prior to audit and settlement by the General Accounting Office, for the furtherance of the education and training of defense workers, as follows:

Defense workers.
Education and
training.
Ante, p. 632.

(1) For the cost of vocational courses of less than college grade, provided by such agencies in vocational schools pursuant to plans submitted by such agencies and approved by the Commissioner, which plans shall include courses supplementary to employment in occupations essential to the national defense and pre-employment refresher courses for workers preparing for such occupations selected from the public employment office registers, \$26,000,000.

Vocational courses
of less than college
grade.

Equipment.	(2) For the purchase, rental, or other acquisition of new or used equipment when needed by agencies in providing courses pursuant to a plan approved under (1) of this heading when such acquisitions are in accord with detailed proposals submitted by such agencies and approved by the Commissioner, \$8,000,000: <i>Provided</i> , That the proposals approved by the Commissioner shall include provisions governing the holding of title to and the use of the equipment to be acquired.
<i>Proviso.</i> Provisions govern- ing title and use.	(3) For the cost of short engineering courses of college grade, provided by engineering schools or by universities of which the engineering school is a part, pursuant to plans submitted by them and approved by the Commissioner, which plans shall be for courses designed to meet the shortage of engineers with specialized training in fields essential to the national defense, \$9,000,000: <i>Provided</i> , That only engineering schools which operate under charters which exempt their educational property from taxation shall be eligible to receive these funds: <i>Provided further</i> , That not to exceed 20 per centum of the amount allotted to any school shall be allotted to it for expenditure for purchase or rental of additional equipment and leasing of additional space found by the Commissioner necessary for carrying out its approved plan.
Engineering courses of college grade.	
<i>Provisos.</i> Eligibility for funds.	(4) For the cost, including the necessary equipment and supplies, of vocational courses and related or other necessary instruction provided by such agencies for out-of-school rural youth who have attained the age of seventeen and who file a registration card with a public employment office and for nonrural youth who otherwise meet the above requirements whose training is not feasible under subdivisions (1) and (3) hereof, such courses and instruction to be provided pursuant to plans submitted by such agencies and approved by the Commissioner, \$10,000,000.
Limitation on ex- penditure.	(5) For the cost of vocational courses and related or other necessary instruction provided by such agencies for young people employed on work projects of the National Youth Administration, such courses and instruction to be provided pursuant to plans submitted by such agencies and approved by the Commissioner, \$7,500,000: <i>Provided</i> , That the amount allotted to any agency shall be available for expenditure for purchase or rental of additional equipment and rental of additional space found by the Commissioner to be necessary for carrying out the approved plan.
Vocational courses for designated rural and nonrural youth.	The Commissioner shall carry out the purposes of these appropriations under regulations promulgated by him and approved by the President, and there shall be available out of these appropriations an amount determined by the Federal Security Administrator not exceeding 1 per centum of each such appropriation for expenses of administration to enable the Commissioner most efficiently to carry out the purposes of the several appropriations, the total sum to be available for general administration expenses, including printing and binding, equipment and supplies (including purchase of materials and equipment necessary for visual education), traveling expenses, including not to exceed \$5,000 for expenses of persons (other than Federal employees) requested to attend conferences held in the District of Columbia and elsewhere whose travel is approved at the direction of the Commissioner, salaries for personal services, and rents, in the District of Columbia and elsewhere: <i>Provided</i> , That the Federal Security Administrator may transfer out of the sum available for administration expenses not exceeding \$37,500 to the office of the Administrator for use in carrying out the purposes of these appropriations: <i>Provided further</i> , That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase with these funds when the aggregate amount involved in such purchase does not
Vocational courses for young people em- ployed on N. Y. A. work projects.	
<i>Proviso.</i> Availability of funds.	
Regulations.	
Administrative ex- penses.	
<i>Provisos.</i> Transfer of funds.	
Minor purchases.	

exceed the sum of \$100: *Provided further*, That all functions of the Commissioner hereunder shall be performed under the direction and supervision of the Federal Security Administrator.

No trainee under the foregoing appropriations shall be discriminated against because of sex, race, or color; and where separate schools are required by law for separate population groups, to the extent needed for trainees of each such group, equitable provision shall be made for facilities and training of like quality.

Further development of vocational education: For an additional amount for carrying out the provisions of sections 1, 2, and 3 of the Act entitled "An Act to provide for the further development of vocational education in the several States and Territories", approved June 8, 1936, \$400,000.

Cooperative vocational rehabilitation of persons disabled in industry: For an additional amount for carrying out the provisions of the Act entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry", approved June 2, 1920, as amended, \$319,500.

Supervision of functions.

No discrimination because of sex, race, or color.

Further development of vocational education.
Ante, p. 583.

49 Stat. 1488-1489.
20 U. S. C., Supp. V, §§ 15b-15j.

Vocational rehabilitation.
Ante, p. 583.

41 Stat. 735.
29 U. S. C. §§ 31-44.

NATIONAL YOUTH ADMINISTRATION

For additional amounts for the National Youth Administration to be expended in accordance with the provisions of the National Youth Administration Appropriation Act, 1941, except that all training or educational programs for youth employed by the National Youth Administration on work projects shall be under the control and supervision of the State boards for vocational education of the several States and shall be paid for out of appropriations made to the Office of Education and expended by the States pursuant to plans submitted by State boards for vocational education and approved by the Commissioner of Education as provided for in this Act under the heading, "Office of Education", paragraph (5), and except as hereinafter provided, for the following purposes:

For the purposes and objects specified in paragraph 1 (b) of such Act, \$30,535,375, of which \$50,000 shall be available to the United States Employees' Compensation Commission for the purposes of paragraph 18 of such Act.

For salaries and other administrative expenses specified in paragraph 2 of such Act, \$1,941,063, of which sum not to exceed \$250,000 may be transferred to appropriations of the Treasury Department in accordance with the provisions of such paragraph.

For printing and binding, \$23,562.

Additional amounts.

Ante, p. 590.

Control by State boards.

Employment, etc.
Ante, pp. 590, 593.

Salaries, etc.
Ante, p. 590.

Printing and binding.
Ante, p. 591.

FEDERAL WORKS AGENCY

PUBLIC BUILDINGS ADMINISTRATION

Salaries and general expenses, public buildings and grounds in the District of Columbia: For an additional amount for administration, protection, maintenance, and improvement of public buildings and grounds in the District of Columbia, maintained and operated by the Public Buildings Administration, Federal Works Agency, including the same objects specified under this heading in the Independent Offices Appropriation Act, 1941, \$200,000.

Construction of public buildings, District of Columbia: The Federal Works Administrator is hereby authorized, pursuant to the provisions of the Act of May 25, 1926 (44 Stat. 630), as amended, to acquire sites or additional land and to enter into contracts for construction of the following public-building projects in amounts not exceeding the following respective limits of cost, which limits of cost shall include salaries,

District of Columbia.
Salaries and general expenses.

Ante, p. 126.

Construction of public buildings.

40 U. S. C. §§ 341-347.

Limits of cost.

cost of supervision of construction, and inspection, furniture, equipment, moving expenses, extension of steam and water mains and removal or diversion of such sewers and utilities as may be necessary, and all other expenses required solely for the purpose of carrying out said public-building projects; and such Administrator is authorized to direct the preparation of all sketches, estimates, plans, drawings, and specifications, and to enter into all other contracts necessary for carrying out the purposes hereof; and he is further authorized, when deemed by him desirable and advantageous, to employ by contract or otherwise, temporary professional, technical, or nontechnical employees, firms, or corporations, to such extent as may be necessary to carry out the purposes hereof, without regard to civil service or classification laws, or section 3709 of the Revised Statutes:

41 U. S. C. § 5.
Federal office buildings.

Sites and buildings, Federal office buildings (Numbered 2 and 3): For the acquisition of sites and the construction of two Federal office buildings for general use, on land in or near the District of Columbia, \$6,400,000.

West central heating plant.

Site and building, west central heating plant, Washington, District of Columbia: For acquisition of site and construction of a central heating plant on a suitable site to be selected in the northwest section of the city of Washington, District of Columbia, within or outside the area prescribed by the Act of May 25, 1926, as amended, authorizing the acquisition of certain lands within the District of Columbia, including facilities for fuel deliveries and storage, tunnel and steam lines and additional steam lines in existing tunnels, \$1,500,000, within a total limit of cost of \$3,900,000: *Provided*, That the contract or contracts for such project may be entered into without advertising.

44 Stat. 630.
40 U. S. C. §§ 341-347.

Proviso.
Contracts.

Navy Department Building.
Ante, p. 599.

Navy Department Building, Washington, District of Columbia: For the construction of an additional wing on the Navy Department Building and an additional story on wing Number 1 thereof, under the provisions of the Public Buildings Act approved May 25, 1926, as amended, including administrative expenses in connection therewith, \$590,000: *Provided*, That the contract or contracts for such project may be entered into without advertising.

44 Stat. 630.
40 U. S. C. §§ 341-347.

Proviso.
Contracts.

General Accounting Office.

Site and building, General Accounting Office, Washington, District of Columbia: For acquisition of site and construction of a building for the General Accounting Office on land in square 518, in the District of Columbia, within a total limit of cost of \$9,850,000, in lieu of the extension and remodeling of the old Pension Office Building as authorized in the Second Deficiency Appropriation Act, fiscal year 1935, approved August 12, 1935: *Provided*, That the balance of the appropriation of \$2,000,000 appropriated by such Act shall remain available for the purposes of, and be chargeable against, this authorization.

49 Stat. 600.
Proviso.
Availability.

Acquisition of property.
44 Stat. 630.
40 U. S. C. §§ 341-347.

Acquisition of property in the District of Columbia: For the acquisition of property within the areas prescribed by the Act of May 25, 1926, as amended, authorizing the Federal Works Administrator to acquire certain lands within the District of Columbia, \$322,000.

GEORGE WASHINGTON BICENTENNIAL COMMISSION

Katherine H. Clagett,
and estate of Dr. John
C. Fitzpatrick.
Payment to.

For payment to Katherine H. Clagett and to the estate of Doctor John C. Fitzpatrick \$2,700 and \$6,666.66, respectively, for services rendered the George Washington Bicentennial Commission in connection with the compilation of the definitive writings of George Washington, \$9,366.66: *Provided*, That the payment to the said Katherine H. Clagett shall be in full, complete, and final compensation of any and all claims arising out of services rendered to the George Washington Bicentennial Commission prior to June 30, 1940.

Proviso.
Final compensation.

NATIONAL LABOR RELATIONS BOARD

Printing and binding: For an additional amount for all printing and binding for the National Labor Relations Board in Washington and elsewhere, \$83,000, and in addition thereto the sum of \$27,000 is hereby transferred from the appropriation "Salaries, National Labor Relations Board, 1941" and made available for printing and binding for the fiscal year 1941.

After the date of the enactment of this Act, none of the appropriation "Salaries, National Labor Relations Board, 1941", shall be obligated for the Division of Economic Research or for the Division of Technical Service: *Provided*, That not to exceed \$3,200 may be expended in performing those functions necessary to keep records and to make a report to Congress and to the President thereon as required by section 3 (c) of the National Labor Relations Act: *Provided further*, That nothing herein shall be construed to prohibit the National Labor Relations Board from obligating any part of such appropriation for carrying on any of the functions or duties specifically conferred upon it by the National Labor Relations Act or to repeal any provision of such Act.

Printing and binding.

Ante, p. 595.

Restriction.
Ante, p. 595.

Proceeds.
Records and reports.

49 Stat. 451.
29 U. S. C., Supp.
V, § 153 (c).
Use of funds.

UNITED STATES COMMISSION FOR THE CELEBRATION
OF THE TWO HUNDREDTH ANNIVERSARY OF THE
BIRTH OF THOMAS JEFFERSON

For expenses of carrying out the provisions of Public Resolution Numbered 100 (Seventy-sixth Congress) entitled "A Joint Resolution to establish a Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson", approved September 24, 1940, \$5,000.

Expenses.
Ante, p. 960.

UNITED STATES UNIVERSITY OF PENNSYLVANIA
BICENTENNIAL COMMISSION

For expenses of carrying out the provisions of Public Resolution Numbered 86 of the present Congress entitled "Joint resolution authorizing the recognition of the two hundredth anniversary of the founding of the University of Pennsylvania by Benjamin Franklin and the beginning of university education in the United States, and providing for the representation of the Government and people of the United States in the observance of the anniversary", approved June 20, 1940, including personal services in the District of Columbia or elsewhere without reference to the Classification Act of 1923, as amended; stenographic reporting and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes; traveling expenses; rents; printing and binding; official cards; entertainment; and such other expenses as may be authorized by the President, \$1,500, to be available for the payment of obligations heretofore incurred in carrying out the purposes of such public resolution.

Expenses.
Ante, p. 492.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.
41 U. S. C. § 5.

DISTRICT OF COLUMBIA

POTOMAC RIVER POLLUTION CONTROL

For the pro rata contribution of the District of Columbia to the expenses of the Interstate Commission on the Potomac River Basin, in accordance with Public Resolution Numbered 93, approved July 11, 1940, granting such Commission authority to regulate, control, prevent, or otherwise render unobjectionable and harmless the pollution of the water of the Potomac drainage area by sewage and industrial and other wastes, \$3,600.

Potomac River pollution control.

Ante, p. 760.

CONTINGENT AND MISCELLANEOUS

Reunion of United
Confederate Veterans.
Ante, p. 636.

Reunion of United Confederate Veterans: The sum of \$12,500 provided by the Second Deficiency Appropriation Act, 1940, approved June 27, 1940 (Public Act Numbered 668, Seventy-sixth Congress), for expenses of the reunion of United Confederate Veterans to be held in Washington, District of Columbia, in 1940, is hereby made available for expenditure by the Commissioners of such District, notwithstanding the provisions of any other Act for the payment of such expenses as they may deem necessary for and in connection with such reunion including the payment of obligations heretofore incurred.

HEALTH DEPARTMENT

Providence Hospi-
tal.

Providence Hospital: The unobligated balance of the appropriation "Providence Hospital, Repairs and Improvements, District of Columbia, 1940", is hereby reappropriated and made available during the fiscal year 1941 for such further repairs, alterations, and improvements to, and for the purchase of necessary furniture and equipment for, the building as may be approved by the Commissioners of the District of Columbia.

MUNICIPAL COURT

Salaries.

Ante, p. 325.

Salaries: For an additional amount for personal services, including compensation of five judges without reference to the limitation in the District of Columbia Appropriation Act, 1941, restricting salaries within the grade, \$945.

SETTLEMENT OF CLAIMS

William Joseph
Heurich.

20 D. C. Code
§§ 103-106; Supp. V,
§ 103.

For the payment of the claim of William Joseph Heurich, approved by the Commissioners under and in accordance with the provisions of the Act entitled "An Act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia", approved February 11, 1929 (45 Stat., 1160), as amended by the Act approved June 5, 1930 (46 Stat. 500), \$500.

JUDGMENTS

For the payment of final judgments, including costs, rendered against the District of Columbia, as set forth in House Document Numbered 884 of the Seventy-sixth Congress, \$4,275.99, together with the further sum to pay the interest at not exceeding 4 per centum per annum on such judgments, as provided by law, from the date the same became due until the date of payment.

DIVISION OF EXPENSES

The foregoing sums for the District of Columbia, unless otherwise therein specifically provided, shall be paid out of the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed by the District of Columbia Appropriation Acts for the respective fiscal years for which such sums are provided.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

Reconstruction and
repair of roads, etc.

Reconstruction and repair of roads and other improvements, national forests in Georgia, North Carolina, South Carolina, and Tennessee: For reconstruction of roads, trails, bridges, and other improvements in the national forests in Georgia, North Carolina, South Carolina, and Tennessee damaged or destroyed by floods in August, 1940, \$125,000.

DEPARTMENT OF COMMERCE

ADMINISTRATOR OF CIVIL AERONAUTICS

Washington National Airport: For the construction, with or without advertising, of five hangars at the Washington National Airport, Arlington County, Virginia, including a roadway service underpass and other necessary appurtenances, \$2,700,000; to remain available until June 30, 1942, of which \$150,000 shall be available for administrative expenses, including personal services in the District of Columbia and elsewhere, in connection with the preparation of plans, specifications, and estimates, and supervision of construction: *Provided*, That in the operation of such airport no agreement shall be entered into for the use of any hangar or space therein for a period exceeding three years nor shall any agreement be entered into for the operation of any concession for a period exceeding five years except the restaurant.

For all necessary expenses incident to the care, operation, maintenance, and protection of the Washington National Airport in accordance with the Act of June 29, 1940, including personal services in the District of Columbia, purchase, operation, and maintenance of one motor-propelled ambulance, one fire-and-crash truck, and one rescue-fire-and-crash motorboat; purchase (including exchange), operation, and maintenance of two passenger-carrying motor vehicles; purchase of equipment, materials, and supplies, including \$700 for the purchase, cleaning, and repair of uniforms for the guards, \$152,200, and, in addition, the sum of \$103,450 is transferred to this appropriation from the appropriation "Maintenance and Operation of Air Navigation Facilities," contained in the Independent Offices Appropriation Act, 1941: *Provided*, That \$15,000 of this appropriation shall be available for personal services in the District of Columbia, employed in connection with the completion of the construction of said airport, without regard to the Civil Service Act and regulation.

Development of landing areas: For the construction, improvement, and repair of not to exceed two hundred and fifty public airports and other public landing areas in the United States and its territories and possessions, determined by the Administrator, with the approval of a Board composed of the Secretary of War, Secretary of the Navy, and Secretary of Commerce, to be necessary for national defense, including areas essential for safe approaches and including the acquisition of land, \$40,000,000, of which \$2,000,000 shall be available for general administrative expenses, including the objects specified in section 204 of the Civil Aeronautics Act of 1938 and including engineering services and supervision of construction: *Provided*, That this appropriation shall not be construed as precluding the use of other appropriations available for any of the purposes for which this appropriation is made.

Establishment of air-navigation facilities: For an additional amount for the establishment of air-navigation facilities, including the objects specified under this head in the Independent Offices Appropriation Act, 1941, \$2,091,000, to remain available until June 30, 1942.

NATIONAL BUREAU OF STANDARDS

Operation and administration: For an additional amount for the general operation and administration of the National Bureau of Standards, including the objects specified under this head in the Department of Commerce Appropriation Act, 1941, \$21,000.

PATENT OFFICE

Salaries: For an additional amount for the Commissioner of Patents and other personal services in the District of Columbia, \$19,320.

Washington National Airport.

Proviso.
Agreements for use of hangars, etc.

Expenses for maintenance, etc.

Ante, p. 686.

Ante, p. 114.

Proviso.
Personal services.

Development of landing areas.

52 Stat. 983.
49 U. S. C., Supp. V. § 424.

Proviso.
Use of other appropriations.

Establishment of air-navigation facilities.

Ante, p. 115.

Operation and administration.

Ante, p. 196.

Salaries.
Ante, p. 199.

Photolithographing.

Ante, p. 199.

Photolithographing: For an additional amount for prints of pending application drawings, including the objects specified under this head in the Department of Commerce Appropriation Act, 1941, \$2,000.

Miscellaneous expenses.

Ante, p. 199.

Miscellaneous expenses: For an additional amount for contingent and miscellaneous expenses of the Patent Office, including the objects specified under this head in the Department of Commerce Appropriation Act, 1941, \$2,000.

WEATHER BUREAU

Weather service.

Ante, p. 539.

Observations, warnings, and general weather service: For an additional amount for necessary expenses incident to collecting and disseminating meteorological, aerological, and marine information and for investigations in meteorology and aerology in the District of Columbia and elsewhere, including the objects specified under this head in the Department of Agriculture Appropriation Act, 1941, \$500,000, of which not to exceed \$40,000 may be expended for personal services in the District of Columbia.

DEPARTMENT OF THE INTERIOR

OFFICE OF THE SECRETARY

Grazing Service.

43 U. S. C., Supp. V, §§ 315m-1-315m-4.

Leasing of grazing lands, Grazing Service: For leasing State, county, or privately owned lands in accordance with the provisions of the Act of June 23, 1938 (52 Stat. 1033), fiscal years 1940 and 1941, \$50,000: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of said Act.

Packing, etc., of personal effects of employees.

Appropriations available to the Department of the Interior for the fiscal year 1941 for soil and moisture conservation operations shall be available for packing, crating, and transportation, including drayage, of personal effects of employees upon permanent change of station, under regulations to be prescribed by the Secretary of the Interior.

Bituminous Coal Division.

Ante, p. 408.

Salaries and expenses, Bituminous Coal Division: For an additional amount for salaries and expenses, Bituminous Coal Division, including the objects specified under this head in the Interior Department Appropriation Act, 1941, \$137,000.

BONNEVILLE POWER ADMINISTRATION

Power transmission system.
Construction, etc.

Ante, p. 410.

Construction, operation, and maintenance, Bonneville power transmission system: For an additional amount for construction, operation, and maintenance, including the objects and subject to the limitations specified under this head in the Interior Department Appropriation Act, 1941, \$3,850,000, to remain available until expended.

UNITED STATES HIGH COMMISSIONER TO THE PHILIPPINE ISLANDS

Maintenance of office.
Ante, p. 410.

United States High Commissioner to the Philippine Islands: For an additional amount for the maintenance of the office of the United States High Commissioner to the Philippine Islands, \$18,250, which amount shall be available for the improvement of office and living quarters and grounds for the High Commissioner.

BUREAU OF INDIAN AFFAIRS

Suppressing forest fires.
Ante, p. 416.

Suppressing forest fires on Indian reservations: For an additional amount for the suppression or emergency prevention of forest fires on or threatening Indian reservations, \$30,000, together with \$25,000 from funds held by the United States in trust for the respective tribes of Indians interested.

Compensation and expenses of an attorney or attorneys for the Chippewa Tribe of Indians, Minnesota (tribal funds): For compensation and expenses of an attorney or attorneys employed by the Chippewa Tribe of Indians, Minnesota, under a contract or contracts approved by the Secretary of the Interior, \$23,400, or so much thereof as may be necessary, payable from the principal sum on deposit to the credit of the Chippewa Indians of Minnesota, arising under section 7 of the Act entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota", approved January 14, 1889 (25 Stat. 645), and the amount herein appropriated shall be available for compensation earned and expenses incurred during the period covered by said contract or contracts.

Chippewa Indians.
Expenses of attorneys.

Construction and repair: For an additional amount for the construction, repair, or rehabilitation of school, agency, hospital, or other buildings and utilities, including the purchase of furniture, furnishings, and equipment as follows:

Construction and repair.

Red Lake, Minnesota: School facilities, \$107,000, to remain available until completion of the project when the unobligated balance shall revert to the Treasury: *Provided*, That no obligation shall be incurred hereunder unless and until the school district of Beltrami County, Minnesota, shall have deposited into the Treasury to the credit of this appropriation the unobligated balance of the insurance collected on the destroyed Red Lake school plant.

Red Lake, Minnesota.
School facilities.
Proviso.
Condition.

Eastern Cherokees: For the relief of the Eastern Cherokees, as authorized by the bill (S. 4232) entitled "An Act for the relief of the Eastern Cherokees", Seventy-sixth Congress, fiscal year 1941, \$1,997.84, without interest and to be in full settlement of all claims of such tribe of Indians against the Government as found to be due by the Supreme Court of the United States in 1906 (202 U. S. 101).

Eastern Cherokees.
Relief.

BUREAU OF RECLAMATION

General fund, construction: For completion of construction of the following projects, in not to exceed the following amounts, respectively, to be expended from the general fund of the Treasury in the same manner, under the same conditions, and for the same objects of expenditure as specified for these projects in the Interior Department Appropriation Act, 1941, under the caption "General Fund, Construction" under the Bureau of Reclamation:

General fund, construction.

Pine River project, Colorado, \$400,000;

Colorado River project, Texas, \$2,500,000;

In all, \$2,900,000, to remain available until expended.

Ante, p. 437.

GEOLOGICAL SURVEY

Strategic and critical minerals: For an additional amount for scientific and economic investigations of strategic and critical minerals in the United States or its Territories or insular possessions, \$100,000; and the limitation of \$25,000 on the amount which may be expended for personal services in the District of Columbia under this head in the Interior Department Appropriation Act, 1941, is hereby increased to \$50,000.

Strategic and critical minerals.

Ante, p. 439.

BUREAU OF MINES

Economics of mineral industries: For an additional amount for economics of mineral industries, including the same objects specified under this head in the Interior Department Appropriation Act, 1941, \$85,000; and the limitation therein of \$234,000 which may be expended for personal services in the District of Columbia is hereby increased to \$265,000.

Economics of mineral industries.

Ante, p. 443.

Expenses, mining
experiment stations.
Ante, p. 443.

Expenses, mining experiment stations: For an additional amount for expenses of mining experiment stations, including the objects and purposes specified under this head in the Interior Department Appropriation Act, 1941, \$20,000.

Investigation of do-
mestic sources of min-
eral supply.

Investigation of domestic sources of mineral supply: For an additional amount for investigation of domestic sources of mineral supply, including the same objects specified under this head in the Interior Department Appropriation Act, 1941, \$275,000; and the limitations therein of \$1,000 which may be expended for printing and binding, of \$15,000 which may be expended for the purchase of motor-propelled passenger-carrying vehicles, and of \$15,000 which may be expended for personal services in the District of Columbia, are hereby increased to \$1,500, \$22,000, and \$25,000, respectively.

Ante, p. 443.

NATIONAL PARK SERVICE

National historical
parks and monu-
ments.
Ante, p. 448.

National historical parks and monuments: For an additional amount for national historical parks and monuments, including the purchase and installation of Virginia Indian artifacts known as the Wirt Robinson Indian collection, and the construction of an additional wing to the Jamestown Museum, \$10,000.

Photographic mat
service.

Photographic mat service: Not to exceed an aggregate of \$3,000 from any funds available to the National Park Service during the fiscal year 1941 may be used for the preparation of mats for reproduction in magazines and newspapers of photographs of scenery in the national parks, in accordance with the Act of August 27, 1940 (Public Act Numbered 771, Seventy-sixth Congress).

Ante, p. 861.

Mount Rushmore
National Memorial
Commission.
Ante, p. 449.
52 Stat. 694.
Provisos.
Limitations.

Mount Rushmore National Memorial Commission: For completion of the work, except the inscription, authorized by the provisions of the Mount Rushmore Memorial Act of 1938, \$86,000: *Provided*, That no part of this appropriation shall be expended for work on any figure, in addition to the four figures authorized by law, upon which work had not commenced as of June 22, 1936: *Provided further*, That no part of this appropriation shall be available for any work on or toward the inscription provided for in section 3 of such Act.

FISH AND WILDLIFE SERVICE

Enforcement of
Alaska game law.
43 Stat. 739.
48 U. S. C. §§ 192-
211; Supp. V, §§ 192-
207.
Ante, p. 453.

Enforcement of Alaska game law: For an additional amount for the enforcement of the Alaska game law, approved January 13, 1925, as amended, to be used exclusively for the construction and equipment of hangars in Alaska for airplanes of the Alaska Game Commission, \$8,500.

GOVERNMENT IN THE TERRITORIES

Territory of Alaska.
Legislative ex-
penses.
52 Stat. 338.
53 Stat. 1313.

Legislative expenses, Territory of Alaska, 1939: The limitations in appropriations for Legislative Expenses, Territory of Alaska, as contained in the Interior Department Appropriation Act, 1939, and the Third Deficiency Appropriation Act, fiscal year 1939, are hereby amended to read as follows:

"For salaries of members, \$21,585; mileage of members, \$9,448.40; salaries of employees, \$5,160; printing, indexing, comparing proofs, and binding laws, printing, indexing and binding journals, stationery, supplies, printing of bills, reports, and so forth, \$14,458.81; in all, \$50,652.21".

Alaska.
Care and custody
of insane.

Care and custody of insane, Alaska: For an additional amount for the care and custody of persons legally adjudged insane in Alaska, fiscal year 1940, including the same objects and for the same services specified in the Interior Department Appropriation Act, 1940, \$3,000.

53 Stat. 734.

Salaries and expenses, Government of the Virgin Islands: For an additional amount for salaries and expenses, Government of the Virgin Islands, including the objects and services specified in the Interior Department Appropriation Act, 1941, \$8,255.

Government of the Virgin Islands.
Salaries and expenses.

Ante, p. 458.

DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

Salaries: For an additional amount for salaries, for the Criminal Division, \$10,000.

Salaries.
Ante, p. 200.

DEPARTMENT OF LABOR

SECRETARY'S OFFICE

Salaries and expenses, Division of Labor Standards: For an additional amount for salaries and expenses, Division of Labor Standards, including the same objects specified under this head in the Department of Labor Appropriation Act, 1941, to be used exclusively for the promotion of the apprenticeship program, \$225,000, from which amount transfers may be made to other appropriations for the Department of Labor, fiscal year 1941, as follows: \$2,250 to contingent expenses and \$22,500 to traveling expenses: *Provided*, That the limitation on the amount which may be expended under this head for personal services in the District of Columbia is hereby increased to \$197,000.

Division of Labor Standards.
Salaries and expenses.

Ante, p. 575.

Proviso.
Personal services.

BUREAU OF LABOR STATISTICS

Salaries and expenses: For an additional amount for salaries and expenses, Bureau of Labor Statistics, including the objects specified under this head in the Department of Labor Appropriation Act, 1941, \$70,000, of which \$50,000 shall be available only for making studies of productivity and labor costs in accordance with the provisions of the joint resolution approved June 7, 1940 (Public Resolution Numbered 77), and \$20,000 shall be available only for the collection of information regarding the amount of goods produced in State and Federal prisons in accordance with the provisions of the joint resolution approved June 17, 1940 (Public Resolution Numbered 85): *Provided*, That transfers may be made from this additional appropriation to other appropriations of the Department of Labor in not to exceed the following amounts: Contingent expenses, \$4,500; traveling expenses, \$10,800; printing and binding, \$5,000: *Provided further*, That the limitation on the amount which may be expended under this head for personal services in the District of Columbia is increased by the amount of \$50,000.

Salaries and expenses.

Ante, p. 576.

Ante, p. 249.

Ante, p. 401.
Provisos.
Transfer of funds.

Ante, pp. 574, 575.

Personal services.
Ante, p. 576.

NAVY DEPARTMENT

OFFICE OF THE SECRETARY

Claims for damages by collision with naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the Act entitled "An Act to amend the Act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels," approved December 28, 1922, as fully set forth in Senate Document Numbered 281, and House Document Numbered 907, Seventy-sixth Congress, \$1,456.86.

Ante, p. 265.

Damage claims.

42 Stat. 1066.
34 U. S. C. § 599.

POST OFFICE DEPARTMENT

(OUT OF THE POSTAL REVENUES)

SALARIES IN BUREAUS AND OFFICES

Office of the Solicitor.
Ante, p. 71.

For personal services in the District of Columbia, Office of the Solicitor for the Post Office Department, \$4,200.

OFFICE OF SECOND ASSISTANT POSTMASTER GENERAL

Domestic Air Mail Service.

Ante, p. 73.

Domestic Air Mail Service: For an additional amount for the inland transportation of mail by aircraft, and so forth, including the same objects and subject to the same conditions specified under this head in the Post Office Department Appropriation Act, 1941, \$485,199.

DEPARTMENT OF STATE

OFFICE OF THE SECRETARY OF STATE

Salaries.

Ante, p. 181.

Salaries: For an additional amount for "Salaries, Department of State, 1941", including the objects and subject to the limitations specified under this head in the Department of State Appropriation Act, 1941, \$290,000.

CONTINGENT EXPENSES (DEPARTMENTAL)

Contingent expenses.

Ante, p. 182.

Contingent expenses: For an additional amount for "Contingent Expenses, Department of State, 1941", including the objects and subject to the limitations specified under this head in the Department of State Appropriation Act, 1941, \$15,500.

ALASKA INTERNATIONAL HIGHWAY COMMISSION

Expenses.

Ante, p. 262.

42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

For expenses of the Alaskan International Highway Commission, created by the Act of May 31, 1938 (52 Stat. 590), and extended by Public Act Numbered 585, approved June 11, 1940, including personal services in the District of Columbia or elsewhere without regard to the civil-service laws and the Classification Act of 1923, as amended; stenographic, translating, and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); communication service; rent; travel expenses; local transportation; transportation of things; purchase of necessary books, documents, newspapers, periodicals, and maps; stationery; equipment; official cards; entertainment; printing and binding; reconnaissance survey; and such other expenses as the President shall deem proper in the fulfillment of the duty of the Commission, including the United States share of necessary joint expenses of the two Governments, \$12,000.

CONTRIBUTIONS, QUOTAS, AND SO FORTH

American republics.
Cooperation.

Ante, p. 651.

44 Stat. 688.
5 U. S. C. §§ 821-833.

Cooperation with the American republics: The appropriation for "Cooperation with the American republics" contained in the Second Deficiency Appropriation Act, 1940, approved June 27, 1940, is hereby made available for compensation to be fixed by the Secretary of State and for traveling expenses in the United States and abroad in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended, of educational, professional, and artistic leaders who are citizens of the United States and the other American republics.

TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

Payments to Federal land banks on account of reductions in interest rate on mortgages: To enable the Secretary of the Treasury to pay each Federal land bank such amount as the Land Bank Commissioner certifies to the Secretary of the Treasury is equal to the amount by which interest payments on mortgages held by such land bank have been reduced during the fiscal year 1941, and prior thereto, in accordance with the provisions of paragraph "Twelfth" of section 12 of the Federal Farm Loan Act (12 U. S. C. 771), as amended, \$28,167,000.

Federal land banks.
Payments.

48 Stat. 43.
12 U. S. C., Supp.
V, § 771.

Payments to the Federal Farm Mortgage Corporation on account of reductions in interest rate on mortgages: To enable the Secretary of the Treasury to pay to the Federal Farm Mortgage Corporation such amount as the Governor of the Farm Credit Administration certifies to the Secretary of the Treasury is equal to the amount by which interest payments on mortgages held by such Corporation have been reduced during the fiscal year 1941, and prior thereto, in accordance with the provisions of section 32 of the Emergency Farm Mortgage Act of 1933, approved May 12, 1933 (12 U. S. C. 1016), as amended, such payments to be made quarterly, beginning as soon as practicable after October 1, 1940, \$10,000,000.

Federal Farm Mortgage Corporation.
Payments.

48 Stat. 48.
12 U. S. C., Supp.
V, § 1016.

OFFICE OF CHIEF CLERK

Contingent expenses: For an additional amount for miscellaneous and contingent expenses, Treasury Department, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$7,500.

Contingent expenses.

Ante, p. 56.

DIVISION OF PRINTING

Printing and binding: For an additional amount for printing and binding, Treasury Department, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$6,000.

Printing and binding.

Ante, p. 57.

Stationery: For an additional amount for stationery, Treasury Department, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$1,500.

Stationery.

Ante, p. 57.

BUREAU OF INTERNAL REVENUE

Salaries and expenses: For an additional amount for expenses of assessing and collecting the internal-revenue taxes, including the objects and subject to the limitations specified under this head in the Treasury Department Appropriation Act, 1941, \$850,000.

Salaries and expenses.

Ante, p. 60.

COAST GUARD

Salaries, Office of Commandant: For an additional amount for salaries, Office of Commandant, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$66,000.

Personal services.

Ante, p. 63.

Pay and allowances: For an additional amount for pay and allowances, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$1,640,000; and the limitation of \$39,375 under this head in such Act, as modified by the First Supplemental National Defense Appropriation Act, 1941, on the amount which may be expended for recreation, education, and so forth, of enlisted men is hereby increased to \$43,780.

Pay and allowances.

Ante, p. 64.

Ante, p. 600.

Emergency construction.

Emergency construction, Coast Guard vessels and shore facilities: For additional vessels and their equipment, and the construction, rebuilding or extension of shore facilities, including the acquisition of sites therefor, and including the construction of a floating drydock and shipways at the Coast Guard Depot, Curtis Bay, Maryland, to remain available until expended, \$9,460,000, of which amount not to exceed 4 per centum shall be available for administrative expenses in connection therewith, including personal services in the District of Columbia.

General expenses.

General Expenses: For an additional amount for General Expenses, Coast Guard, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$880,000.

Ante, p. 64.

BUREAU OF THE MINT

Personal services.
Ante, p. 68.

Salaries, Office of Director of the Mint: For an additional amount for personal services in the District of Columbia, \$7,380.

Contingent expenses, etc.

Contingent expenses and examination of mints: For an additional amount for contingent expenses and examination of mints, including the objects specified under this head in the Treasury Department Appropriations Act, 1941, \$3,000.

Ante, p. 68.

Mints and assay offices.
Salaries and expenses.

Salaries and expenses, mints and assay offices: For an additional amount for salaries and expenses, mints and assay offices, including the objects and limitations specified under this head in the Treasury Department Appropriation Act, 1941, \$1,325,000.

Ante, p. 68.

WAR DEPARTMENT

Ante, p. 352.

MILITARY ACTIVITIES

Ante, p. 357.

QUARTERMASTER CORPS

Barracks and quarters, etc.

Barracks and quarters and other buildings and utilities: For an additional amount for barracks and quarters, including the objects and subject to the conditions specified under this head in the Military Appropriation Act, 1941, \$200,000.

Ante, p. 362.

Arlington Farm, Va.
Removal and reestablishment.
Post, p. 1219.

Removal and reestablishment of Arlington Farm, Virginia: For the removal and reestablishment of the functions and activities at Arlington Farm, including the acquisition of lands by purchase or by condemnation, the construction and installation of buildings, equipment, and utilities and appurtenances thereto, including the employment of persons and means in the city of Washington and elsewhere, \$3,200,000, to remain available until expended: *Provided*, That this appropriation shall be transferred to the credit of the Secretary of Agriculture for expenditure by him: *Provided further*, That upon the transfer of the activities of the Department of Agriculture from Arlington Farm, so much of the land thereof as may be required by the War Department shall be transferred to the control and jurisdiction of the latter Department.

Provisos.
Transfer of appropriation.

Transfer of land.

CIVIL FUNCTIONS

CORPS OF ENGINEERS

Rivers and harbors.

Rivers and harbors: For an additional amount for the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interest of commerce and navigation, including the objects and under the conditions specified under this head in the War Department Civil Appropriation Act, 1941, \$8,127,000 to remain available until expended.

Ante, p. 506.

Flood control, general.

Flood control, general: For an additional amount for Flood Control, General, to be used for removing accumulated snags and other

debris, and clearing channels in navigable streams and tributaries thereof, in the State of Louisiana, including the objects and conditions specified under this head in the War Department Civil Appropriation Act, 1941, to be additional to the amount authorized for this type of work by section 1 of the Act of August 11, 1939 (53 Stat. 1414), \$55,000.

Ante, p. 507.
33 U. S. C., Supp.
V, § 701g.

Alteration of bridges over navigable waters of the United States: For payment of the share of the United States of the cost of alteration of bridges over navigable waters of the United States in accordance with the provisions of the Act of June 21, 1940 (Public, Numbered 647, Seventy-sixth Congress), \$1,100,000, to remain available until expended.

Alteration of
bridges.

Ante, p. 500.

Claims for damages, river and harbor work: To pay claims for damages under river and harbor work adjusted and determined by the War Department under the provision of section 9 of the River and Harbor Act, approved June 5, 1920 (33 U. S. C. 564), as set forth in House Document Numbered 908, Seventy-sixth Congress, \$1,148.67.

Damage claims,
river and harbor work.

41 Stat. 1015.

Power plant, Bonneville Dam, Columbia River, Oregon: For an additional amount for continuing the construction of the hydroelectric power plant at Bonneville Dam, Columbia River, Oregon, as authorized by the Acts approved August 30, 1935 (49 Stat. 1038), August 20, 1937 (50 Stat. 731), and June 24, 1940 (54 Stat. 508), \$4,000,000.

Bonneville Dam,
Oreg.
Ante, p. 508.

16 U. S. C., Supp.
V, §§ 832-832L.

TITLE II—JUDGMENTS AND AUTHORIZED CLAIMS

PROPERTY DAMAGE CLAIMS

SEC. 201. (a) For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and independent offices, under the provisions of the Act entitled "An Act to provide a method for the settlement of claims arising against the Government of the United States in the sums not exceeding \$1,000 in any one case", approved December 28, 1922 (31 U. S. C. 215), as fully set forth in the House Document Numbered 898 of the Seventy-sixth Congress, as follows:

Property damage
claims.

Department of Agriculture, \$299.49;
Department of Commerce, \$556.15;
Department of the Interior, \$176.08;
Navy Department, \$484.08;
Post Office Department (payable from postal revenues), \$348.07;
Treasury Department, \$34;
War Department, \$2,189.82;
In all, \$4,087.69.

42 Stat. 1066.

(b) For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments, under the provisions of the Act entitled "An Act to provide a method for the settlement of claims arising against the Government of the United States in the sums not exceeding \$1,000 in any one case", approved December 28, 1922 (31 U. S. C. 215), as fully set forth in Senate Document Numbered 280 of the Seventy-sixth Congress as follows:

Settlement of claims
not exceeding \$1,000.

Federal Works Agency:

Work Projects Administration, \$496.36;
Department of Agriculture, \$557.27;
Department of the Interior, \$1,551.58;
Navy Department, \$540.10;
War Department, \$2,859.29;
Post Office Department (payable from postal revenues), \$1,637.68;
In all, \$7,642.28.

42 Stat. 1066.

JUDGMENTS, UNITED STATES COURTS

Judgments, U. S.
Courts.24 Stat. 506; 36 Stat.
1168.

SEC. 202. (a) For the payment of the final judgments, including costs of suits which have been rendered under the provisions of the Act of March 3, 1887, entitled "An Act to provide for the bringing of suits against the Government of the United States", as amended by section 297 of the Act of March 3, 1911 (28 U. S. C. 761), certified to the Seventy-sixth Congress in House Document Numbered 905, under the following departments:

Treasury Department, \$4,300;

War Department, \$5,891.51;

Post Office Department, \$3,117.30;

In all, \$13,308.81, together with such additional sum as may be necessary to pay costs and interest as specified in such judgments or as provided by law.

Judgments in spe-
cial cases.

52 Stat. 1341.

45 Stat. 1731.

(b) For the payment of final judgments in special cases rendered against the Government of the United States pursuant to authority contained in the Act, approved June 15, 1938 (Private Act Numbered 588, Seventy-fifth Congress), and (Private Act Numbered 100, Seventieth Congress) certified to the Seventy-sixth Congress in Senate Document Numbered 278, and House Document Numbered 906, under the following Departments:

War Department, \$26,904.21;

Federal Works Agency, \$412.50, together with such additional sum as may be necessary to pay costs and interest as specified in such judgment;

In all, \$27,316.71.

Time for payment.

(c) None of the judgments contained under this caption shall be paid until the right of appeal shall have expired except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

Interest.

(d) Payment of interest wherever provided for judgments contained in this Act shall not in any case continue for more than thirty days after the date of approval of this Act.

JUDGMENTS, COURT OF CLAIMS

Judgments, Court
of Claims.

SEC. 203. (a) For payment of the judgments rendered by the Court of Claims and reported to the Seventy-sixth Congress in House Document Numbered 904, under the following establishments and departments, namely:

Federal Home Loan Bank Board, \$4,560.72;

Veterans' Administration, \$11,258.32;

Department of the Interior, \$92,202.06;

Navy Department, \$6,935.59;

Treasury Department, \$15,390.05;

War Department, \$6,742.54;

In all, \$137,089.28, together with such additional sum as may be necessary to pay interest as and where specified in such judgments.

Time for payment.

(b) None of the judgments contained under this caption shall be paid until the right of appeal shall have expired, except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

AUDITED CLAIMS

Payment of claims.

SEC. 204. (a) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (31 U. S. C. 713),

18 Stat. 110.

and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1938 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (5 U. S. C. 266), as fully set forth in House Document Numbered 897, Seventy-sixth Congress, there is appropriated as follows:

Independent Offices: For Federal Civil Works Administration, \$390.69.

23 Stat. 254.

Independent Offices.

For National Industrial Recovery, Civil Works Administration, \$45.70.

For Interstate Commerce Commission, \$2.

For Federal Trade Commission, \$49.87.

For operations under Mineral Act of October 5, 1918, \$3,150.25.

40 Stat. 1009.

Federal Works Agency:

For general expenses of public buildings, Procurement Division, \$1.40.

For National Industrial Recovery, Federal Emergency Administration of Public Works, \$557.37.

Federal Security Agency:

For salaries and expenses, Food and Drug Administration, 28 cents.

For expenses, Division of Mental Hygiene, Public Health Service, \$12.

Veterans' Administration:

For Army and Navy pensions, \$36.

For medical and hospital services, Veterans' Bureau, \$8.71.

For salaries and expenses, Veterans' Administration, \$1,576.75.

Department of Agriculture: For salaries and expenses, library, Department of Agriculture, \$16.75.

Department of Agriculture.

For salaries and expenses, Farm Credit Administration, \$202.76.

For agricultural credits and rehabilitation, emergency relief, \$14.69.

For emergency conservation fund (transfer from War to Agriculture, Act March 31, 1933), \$7.49.

48 Stat. 22.

For National Industrial Recovery, Agricultural Adjustment Administration, \$184.20.

For National Industrial Recovery, Interior, soil erosion prevention (transfer to Agriculture), \$26.40.

For National Industrial Recovery, Resettlement Administration, submarginal lands (transfer to Agriculture), \$1,172.45.

For loans and relief in stricken agricultural areas (Agriculture transfer for seed corn), \$638.91.

For acquisition of lands for protection of watersheds of navigable streams, \$120.

For salaries and expenses, Forest Service, \$96.92.

For conservation and use of agricultural land resources, Department of Agriculture, \$199.09.

For salaries and expenses, Bureau of Animal Industry, \$40.65.

For salaries and expenses, Soil Conservation Service, \$271.45.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture, \$141.11.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture (transfer to Federal Surplus Commodities Corporation, Act June 28, 1937), \$212.84.

50 Stat. 323.
15 U. S. C., Supp.
V. § 713c.

For salaries and expenses, Bureau of Entomology and Plant Quarantine, \$3.79.

Department of Commerce: For salaries and expenses, Weather Bureau, \$6.02.

Department of Commerce.

For air-navigation facilities, \$1.

For maintenance of air-navigation facilities, Civil Aeronautics Authority, \$1.

Emergency relief.

For establishment of air-navigation facilities, Civil Aeronautics Authority, \$80.60.

Emergency Relief: For emergency relief, Emergency Conservation Work, War, Civilian Conservation Corps, \$1,095.29.

For emergency relief, Resettlement Administration, rural rehabilitation (transfer to Agriculture), \$198.46.

For emergency relief, Works Progress Administration, women's projects, \$69.50.

For emergency relief, Works Progress Administration, grants to States, and so forth, \$7,077.43.

For emergency relief, Works Progress Administration (non-Federal projects approved prior to June 22, 1936), \$17,256.73.

For emergency relief, Treasury, administrative expenses, 69 cents.

For emergency relief, Works Progress Administration, parks and recreational facilities, \$4,221.49.

For emergency relief, Resettlement Administration, sanitation, prevention of soil erosion, and so forth (transfer to Agriculture), \$668.

For emergency relief, Works Progress Administration, administrative expenses, \$3.

For emergency relief, Agriculture, public roads, highways, roads and streets, \$22,654.81.

For emergency relief, Agriculture, Forest Service, flood control and other conservation, \$172.80.

For emergency relief, Resettlement Administration, rural rehabilitation, loans and relief to farmers, and so forth (transfer to Agriculture), \$202.19.

For emergency relief, Works Progress Administration, public utilities, and so forth, \$156.45.

For emergency relief, Works Progress Administration, highways, roads and streets, \$1,005.95.

For emergency relief, Works Progress Administration, National Youth Administration, non-Federal projects, 70 cents.

For emergency relief, Agriculture, Forest Service, parks and recreational facilities, \$38.40.

For emergency relief, Interior, National Park Service, sanitation, prevention of soil erosion, and so forth, \$4.66.

For emergency relief, Works Progress Administration, work relief projects, \$351.50.

For emergency relief, Works Progress Administration, non-Federal projects approved prior to June 30, 1937, \$88.69.

For emergency relief, Works Progress Administration, public buildings, parks, utilities, flood control, and so forth, \$29.01.

For emergency relief, Works Progress Administration, National Youth Administration (Federal projects), \$6.25.

For emergency relief, Works Progress Administration, assistance for educational, professional, and clerical persons, \$53.92.

For emergency relief, Treasury, office of Secretary, assistance for educational, professional, and clerical persons, \$31.83.

For emergency relief, Agriculture, Farm Security Administration, rural rehabilitation, \$278.43.

For emergency relief, Federal Emergency Relief Administration, expenses of liquidation, \$166.

For emergency relief, Interior, Puerto Rico Reconstruction Administration, highways, roads, and streets (Federal projects), 9 cents.

For emergency relief, Emergency Conservation Work, Interior, Indians, miscellaneous projects, Indian reservations, \$29.19.

For emergency relief, Works Progress Administration, public buildings (Federal projects), \$302.39.

For emergency relief, Farm Security Administration, administrative expenses, \$92.10.

Department of the Interior: For National Industrial Recovery, Interior, National Park Service, recreational demonstration projects, \$13.80. Department of the Interior.

For migratory bird conservation fund (receipt limitation), \$4.06.

For National Park Service, \$6.32.

For conservation of health among Indians, \$5.18.

For Indian school support, \$6.80.

For maintenance, irrigation systems, Flathead Reservation, Montana (receipt limitation), \$213.36.

For support of Indians and administration of Indian property, \$22.

Department of Justice: For salaries, fees, and expenses of marshals, United States courts, \$8.67. Department of Justice.

For United States Industrial Reformatory, Chillicothe, Ohio, maintenance, 60 cents.

For support of United States prisoners, \$89.60.

For fees of commissioners, United States courts, \$6.75.

For fees of jurors and witnesses, United States courts, \$48.95.

For miscellaneous expenses, United States courts, \$52.55.

Department of Labor: For salaries and expenses, commissioners of conciliation, \$15.15. Department of Labor.

Navy Department: For ordnance and ordnance stores, Bureau of Ordnance, \$2,200. Navy Department.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies, Navy, \$103.64.

For pay of the Navy, \$59.83.

For pay, subsistence, and transportation, Navy, \$489.41.

For pay, Marine Corps, \$14.20.

For maintenance, Bureau of Supplies and Accounts, \$8.19.

For engineering, Bureau of Engineering, \$7,250.

For aviation, Navy, \$133,590.85.

Department of State: For transportation of Foreign Service officers, \$55.42. Department of State.

For contingent expenses, Foreign Service, \$2.33.

Treasury Department: For pay and allowances, Coast Guard, \$320.40. Treasury Department.

For collecting the internal revenue, \$1.35.

War Department: For general appropriations, Quartermaster Corps, \$2,955.20. War Department.

For pay, and so forth, of the Army, \$2,152.34.

For pay of the Army, \$10,879.85.

For Organized Reserves, \$8.03.

For barracks and quarters, Army, \$179.14.

For clothing and equipage, Army, \$17.54.

For clothing and equipage, \$81.19.

For supplies, services, and transportation, Quartermaster Corps, \$50.89.

For Army transportation, \$53.30.

For ordnance service and supplies, Army, \$1.96.

For ammunition storage facilities, Army, \$13.83.

For increase of compensation, Military Establishment, \$40.46.

For National Guard, \$7.32.

For national defense, \$14.

For Civilian Conservation Corps (transfer to War), \$1.86.

For emergency conservation work (transfer to War, Act June 22, 1936), \$802.76. 49 Stat. 1601.

For emergency conservation fund (transfer to War, Act June 19, 1934), \$91.55. 48 Stat. 1055.

For emergency conservation work (transfer to War, Act February 9, 1937), \$301.98. 50 Stat. 12.

Post Office Department.

Post Office Department—Postal Service (out of the postal revenues): For clerks, first- and second-class post offices, \$424.77.

For clerks, third-class post offices, \$211.13.

For compensation to postmasters, \$42.

For contract air-mail service, \$10,457.86.

For furniture, carpets, and safes for public buildings, Post Office Department, \$4.25.

For indemnities, domestic mail, \$118.61.

For miscellaneous items, first- and second-class post offices, \$12.

For operating supplies for public buildings, Post Office Department, \$87.

For special-delivery fees, \$41.31.

Total.

Total, audited claims, section 204 (a), \$239,166.63, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency and interest as specified in certain of the settlements of the General Accounting Office.

Payment of claims.

(b) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (31 U. S. C. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1938 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (5 U. S. C. 266), as fully set forth in Senate Document Numbered 282, Seventy-sixth Congress, there is appropriated as follows:

18 Stat. 110.

23 Stat. 254.

Executive Office.

Independent Offices.

40 Stat. 1009.

Federal Works Agency.

Executive Office: For National Resources Planning Board, \$3.

Independent Offices: For Federal Trade Commission, \$5.44.

For salaries and expenses, National Labor Relations Board, \$1.30.

For operations under Mineral Act of October 5, 1918, \$39,109.69.

For Interstate Commerce Commission, \$1.

Federal Works Agency: For general administrative expenses, Public Buildings Branch, Procurement Division, \$2.65.

For repair, preservation, and equipment, public buildings, Procurement Division, \$16.95.

For salaries and expenses, public buildings outside the District of Columbia, National Park Service, \$4.67.

Veterans' Administration.

Veterans' Administration: For Army and Navy pensions, \$187.16.

For salaries and expenses, Veterans' Administration, \$830.74.

Department of Agriculture.

Department of Agriculture: For exportation and domestic consumption of agricultural commodities, Department of Agriculture (transfer to Federal Surplus Commodities Corporation, Act June 28, 1937), \$621.80.

50 Stat. 323.
15 U. S. C., Supp.
V, § 713c.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture, \$92.39.

For National Industrial Recovery, Agricultural Adjustment Administration, \$51.72.

For National Industrial Recovery, Resettlement Administration, submarginal lands (transfer to Agriculture), \$720.62.

For conservation and use of agricultural land resources, Department of Agriculture, \$281.25.

For acquisition of lands for protection of watersheds of navigable streams, \$8,516.44.

For acquisition of lands, Uinta and Wasatch National Forests, Utah (receipt limitation), \$1,920.

For salaries and expenses, Soil Conservation Service, \$83.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Agriculture), \$13.60.

For submarginal land program, Farm Tenant Act, Department of Agriculture, \$3,745.09.

50 Stat. 522.
7 U. S. C., Supp. V,
§§ 1000-1029.

For salaries and expenses, Forest Service, \$128.16.

For salaries and expenses, Bureau of Animal Industry, \$83.41.

For miscellaneous expenses, Department of Agriculture, \$20.95.

For special research fund, Department of Agriculture, \$100.12.

For control of emergency outbreaks of insect pests and plant diseases, \$1.02.

For chinch bug control, Department of Agriculture, \$21.50.

For farmers' seed-grain loans, \$7.

Department of Commerce: For Civil Aeronautics Authority fund, \$1,383.58.

Department of
Commerce.

For establishment of air-navigation facilities, Civil Aeronautics Authority, \$326.39.

For maintenance of air-navigation facilities, Civil Aeronautics Authority, \$52.85.

For air-navigation facilities, \$5.30.

For salaries and expenses, Weather Bureau, \$38.27.

For traveling expenses, Department of Commerce, \$5.80.

Emergency Relief: For emergency relief, Interior, National Park Service, parks and recreational facilities, non-Federal projects, \$82.92.

Emergency relief.

For emergency relief, Works Progress Administration, forestation, prevention of soil erosion, and so forth, \$24.16.

For emergency relief, Agriculture, Farm Security Administration, rural rehabilitation, \$162.24.

For emergency relief, Farm Security Administration, administrative expenses, \$1.91.

For emergency relief, Works Progress Administration, public buildings, parks, utilities, flood control, and so forth, \$2,448.30.

For emergency relief, Resettlement Administration, administrative expenses (transfer to Agriculture), \$175.83.

For emergency relief, Works Progress Administration, public utilities, and so forth, \$2.60.

For emergency relief, Works Progress Administration, work relief projects, \$6.

For emergency relief, Resettlement Administration, rural rehabilitation (transfer to Agriculture), \$352.30.

For emergency relief, Federal Emergency Relief Administration, expenses of liquidation, \$87.01.

For emergency relief, Resettlement Administration, sanitation, prevention of soil erosion, and so forth (transfer to Agriculture), \$10,289.11.

For emergency relief, Resettlement Administration, flood control and other conservation (transfer to Agriculture), \$17.57.

For emergency relief, Works Progress Administration, grants to States, and so forth, \$1,583.49.

For emergency relief, Agriculture, public roads, highways, roads and streets, \$47,457.07.

For emergency relief, Works Progress Administration, parks and recreational facilities, \$3.89.

For emergency relief, Agriculture, Forest Service, flood control and other conservation, \$105.60.

For emergency relief, Agriculture, Forest Service, public buildings, parks, utilities, flood control, and so forth, \$115.20.

For emergency relief, Interior, Puerto Rico Reconstruction Administration, public buildings, parks, utilities, flood control, and so forth, \$440.46.

For emergency relief, Works Progress Administration, National Youth Administration (Federal projects), \$11.

For emergency relief, Works Progress Administration, administrative expenses, project supervision, \$20.96.

For emergency relief, Works Progress Administration, miscellaneous work projects, \$12.

For emergency relief, Works Progress Administration, National Youth Administration, non-Federal projects, \$4.

For emergency relief, Agriculture, Soil Conservation Service, flood control and other conservation, \$2.52.

For emergency relief, Works Progress Administration, assistance for educational, professional, and clerical persons, \$304.08.

For emergency relief, Justice, administrative expenses, \$68.54.

For emergency relief, Interior, National Park Service, public buildings, parks, utilities, flood control, and so forth, \$186.

For emergency relief, Works Progress Administration, administrative expenses, general, \$16.45.

For emergency relief, Agriculture, Forest Service, forestation, and so forth, \$12,309.63.

For emergency relief, Interior, Indians, loans and grants to Indians for rehabilitation, 83 cents.

For emergency relief, Labor, United States Employment Service, administrative expenses, \$217.40.

For emergency relief, Works Progress Administration (non-Federal projects approved prior to June 22, 1936), \$5,072.02.

For emergency relief, Works Progress Administration, non-Federal projects approved prior to June 30, 1937, \$1,042.70.

For emergency relief, Works Progress Administration, highways, roads, and streets, \$315.89.

For emergency relief, Agriculture, agricultural economics, public buildings, parks, utilities, flood control, and so forth, \$116.30.

For emergency relief, Emergency Conservation Work, War, Civilian Conservation Corps, \$1,745.72.

For emergency relief, Emergency Conservation Work, Agriculture, miscellaneous projects, \$7.70.

Department of the
Interior.

Department of the Interior: For Civilian Conservation Corps (transfer to Interior, Indians), \$10.35.

For loans and relief in stricken agricultural areas (transfer from Agriculture to Interior, Indians), \$122.82.

For general expenses, Indian Service, \$54.45.

For Indian school support, \$102.15.

For conservation of health among Indians, \$12.57.

For construction, and so forth, irrigation systems, Indian reservations (reimbursable), \$5.45.

For improvement and maintenance, irrigation systems, Crow reservations, Montana, \$14.08.

Department of Jus-
tice.

Department of Justice: For salaries and expenses of marshals, etc., Department of Justice, \$103.37.

For United States Northeastern Penitentiary, maintenance, \$9.36.

For United States Penitentiary, Atlanta, Georgia, maintenance, \$18.88.

For support of United States prisoners, \$21.15.

For fees of commissioners, United States courts, 50 cents.

For miscellaneous expenses, United States courts, \$175.

For fees of jurors and witnesses, United States courts, \$13.

For salaries and expenses, Bureau of Prohibition, \$9.26.

For salaries, fees, and expenses of marshals, United States courts, \$8.77.

Department of La-
bor.

Department of Labor: For salaries and expenses, Bureau of Labor Statistics, \$1.50.

For traveling expenses, Department of Labor, \$1.25.

Navy Department: For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Navy), \$251.66.

Navy Department.

For pay, Marine Corps, \$42.05.

For general expenses, Marine Corps, \$16,739.65.

For aviation, Navy, \$1,934.23.

For maintenance, Bureau of Supplies and Accounts, \$95.39.

For organizing the Naval Reserve, \$176.92.

For engineering, Bureau of Engineering, \$1,492.50.

For pay, subsistence, and transportation, Navy, \$1,014.60.

For pay of the Navy, \$18.13.

Department of State: For salaries, Foreign Service officers while receiving instructions and in transit, \$950.35.

Department of State.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (State), \$49.83.

For transportation of Foreign Service officers, \$28.01.

For office and living quarters, Foreign Service, \$244.84.

For contingent expenses, Foreign Service, \$336.34.

Treasury Department: For pay and allowances, Coast Guard, \$60.

Treasury Department.

For suppressing counterfeiting and other crimes, \$3.35.

For collecting the internal revenue, \$6.30.

For collecting the revenue from customs, \$142.55.

For public debt service, \$13.51.

War Department: For general appropriations, Quartermaster Corps, \$3,518.77.

War Department.

For pay of the Army, \$13,605.33.

For pay, etc., of the Army, \$2,101.57.

For Army transportation, \$146.22.

For National Guard, \$113.96.

For regular supplies of the Army, \$259.22.

For travel of the Army, \$39.

For clothing and equipage, \$58.60.

For Reserve Officers' Training Corps, \$11.92.

For replacing medical supplies, \$108.46.

For replacing ordnance and ordnance stores, \$4.20.

For ordnance service and supplies, Army, \$59.56.

For Organized Reserves, \$1.

For expenses, camps of instruction, etc., National Guard, \$49.28.

For barracks and quarters, Army, \$14.

For replacing Army transportation, \$2.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (War), \$1,130.31.

For loans and relief in stricken agricultural areas (transfer from emergency conservation work to War, Act June 19, 1934), \$6.39.

48 Stat. 1055.

For emergency conservation fund (transfer to War, Act March 31, 1933), \$207.72.

48 Stat. 22.

For emergency conservation work (transfer to War, Act June 22, 1936), \$1,136.63.

49 Stat. 1601.

For emergency conservation work (transfer to War, Act February 9, 1937), \$329.69.

50 Stat. 12.

For emergency conservation fund (transfer to War, Act June 19, 1934), \$117.47.

48 Stat. 1055.

For Civilian Conservation Corps (transfer to War), \$1,163.21.

Post Office Department—Postal Service (Out of the Postal Revenues): For clerks, contract stations, \$14.52.

Post Office Department.

For clerks, first and second class post offices, \$46.81.

For compensation to postmasters, \$119.
 For contract air mail service, \$857.12.
 For furniture, carpets, and safes for public buildings, \$2.44.
 For furniture, carpets, and safes for public buildings, Post Office Department, 44 cents.
 For indemnities, domestic mail, \$75.50.
 For miscellaneous items, first and second class post offices, \$80.97.
 For operating force for public buildings, Post Office Department, \$45.
 For rural delivery service, \$79.35.
 For special delivery fees, \$2.25.
 For transportation of equipment and supplies, \$18.85.
 For vehicle service, \$2,239.20.

Total. Total, audited claims, section 204 (b), \$195,242.34, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency and interest as specified in certain of the settlements of the General Accounting Office.

Payment of claims. *Ante*, p. 176. SEC. 205. For the payment of claims allowed by the General Accounting Office pursuant to Public Act Numbered 505 of the Seventy-sixth Congress, approved May 2, 1940, which have been certified to Congress under section 2 of the Act of July 7, 1884 (U. S. C., title 5, sec. 266), in Senate Document Numbered 279, and House Document Numbered 903, Seventy-sixth Congress, \$582,494.01.

23 Stat. 254. SEC. 206. Judgments against collectors of customs: For the payment of claims allowed by the General Accounting Office covering judgments rendered by the United States District Court, Western District of Washington, Northern Division, and the United States District Court for the Southern District of New York, against collectors of customs, where a certificate of probable cause has been issued as provided for under section 989, Revised Statutes (28 U. S. C. 842), and certified to the Seventy-sixth Congress in Senate Document Numbered 276, and House Document Numbered 909, under the following departments:

Department of Labor, \$529.51;
 Department of Justice, \$1,165;
 In all, \$1,694.51.

Payment of claim. 30 Stat. 784; 31 Stat. 205. SEC. 207. For the payment of claim allowed by the General Accounting Office pursuant to the Acts of January 12, 1899, and May 26, 1900, which has been certified to Congress under the Permanent Appropriations Repeal Act, approved June 26, 1934 (31 U. S. C. 725b), in Senate Document Numbered 277, Seventy-sixth Congress, \$26.

48 Stat. 1226.

Architect of the Capitol. SEC. 208. (a) The Architect of the Capitol is hereby authorized and directed to carry into effect for the House of Representatives, and to exercise the authorities contained in, the Resolution of the House of Representatives numbered 590, adopted September 5, 1940, and any other resolution of such House amendatory thereof or supplementary thereto hereafter adopted. Such authority and direction shall continue until the House of Representatives shall by resolution otherwise order.

House Restaurant. Special deposit account. (b) There is hereby established with the Treasurer of the United States a special deposit account in the name of the Architect of the Capitol for the House of Representatives Restaurant, into which shall be deposited all sums received pursuant to such resolution or resolutions and from the operations thereunder and from which shall be disbursed the sums necessary in connection with the exercise of the duties required under such resolution or resolutions and the operations thereunder. Any appropriation hereafter made from the Treasury of the United States for such restaurant shall be a part of the appropriation "Contingent Expenses, House of Representa-

tives, Miscellaneous Items", for the particular fiscal year involved and each such part shall be paid to the Architect of the Capitol by the Clerk of the House of Representatives in such sum as such appropriation or appropriations shall hereafter specify and shall be deposited by such Architect in full in such special deposit account.

(c) Deposits and disbursements under such special deposit account (1) shall be made by the Architect, or, when directed by him, by such employees of the Architect as he may designate, and (2) shall be subject to audit by the General Accounting Office at such times and in such manner as the Comptroller General may direct: *Provided*, That payments made by or under the direction of the Architect of the Capitol from such special deposit account shall be conclusive upon all officers of the government.

(d) The Architect, Assistant Architect, and any employees of the Architect designated by the Architect under subsection (c) hereof shall each give bond in the sum of \$5,000 with such surety as the Secretary of the Treasury may approve for the handling of the financial transactions under such special deposit account.

SEC. 209. This Act may be cited as the "First Supplemental Civil Functions Appropriation Act, 1941".

Approved, October 9, 1940.

Deposits and dis-
bursements.

Proviso.
Payments.

Bond.

Short title.

[CHAPTER 781]

AN ACT

To authorize the leasing of certain Indian lands subject to the approval of the Secretary of the Interior.

October 9, 1940

[S. 253]

[Public, No. 813]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, any Indian lands on the Port Madison and Snohomish or Tulalip Indian Reservations in the State of Washington, may be leased by the Indians with the approval of the Secretary of the Interior, and upon such terms and conditions as he may prescribe, for a term not exceeding twenty-five years: *Provided, however*, That such leases may provide for renewal for an additional term not exceeding twenty-five years, and the Secretary of the Interior is hereby authorized to prescribe such rules and regulations as may be necessary to carry out the provisions of this Act.

Washington.
Lease of designated
Indian lands.

Proviso.
Renewal; rules, etc.

Approved, October 9, 1940.

[CHAPTER 782]

AN ACT

For the relief of certain former disbursing officers for the Civil Works Administration and the Federal Emergency Relief Administration.

October 9, 1940

[S. 3868]

[Public, No. 814]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts of disbursing officers for payments made in good faith on public account from appropriations made available to the Civil Works Administration and the Federal Emergency Relief Administration for expenditure, notwithstanding the failure to comply with requirements of existing law or regulations: *Provided*, That the Commissioner of Work Projects or his duly authorized representative shall certify that the payments appear to be free from fraud or collusion on the part of the disbursing officer making the payment.

Civil Works and
Federal Emergency
Relief Administra-
tions.
Relief of former dis-
bursing officers.

Proviso.
Freedom from
fraud.

Liability of certifying officer.

SEC. 2. No charge shall be made against the certifying officer for the amount of any payment for which credit shall be allowed under the preceding section where the Commissioner of Work Projects or his duly authorized representative certifies that the payment appears to have been made without fraud or collusion on the part of the certifying officer.

Approved, October 9, 1940.

[CHAPTER 783]

AN ACT

October 9, 1940
[S. 4258]
[Public, No. 815]

To remove the restriction placed upon the use of certain lands acquired in connection with the expansion of Mitchel Field, New York.

Mitchel Field, N.Y.
Removal of restriction on use of land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the item contained in the Act of Congress approved July 1, 1937 (50 Stat. 452), entitled "An Act making appropriations for the Military Establishment for the fiscal year ending June 30, 1938, and for other purposes", providing for the acquisition of land in the vicinity of Mitchel Field, New York, three hundred and forty-two acres, more or less, to be used exclusively for runways, \$500,000, is hereby amended so as to remove the restriction thereby placed on the use of the land so authorized to be acquired: *Provided*, That the use of said land for any other purpose shall in no way interfere with the effective use of the runways placed thereon.

Proviso.
Noninterference with use of runways.

Approved, October 9, 1940.

[CHAPTER 784]

AN ACT

October 9, 1940
[S. 4316]
[Public, No. 816]

To repeal sections 4588 and 4591 of the Revised Statutes of the United States.

R. S. §§ 4588, 4591,
repeal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 4588 and 4591 of the Revised Statutes of the United States (U. S. C., title 46, secs. 686 and 687) be, and they are hereby, repealed.

Seamen's certificates.

SEC. 2. All certificates heretofore issued to seamen under the authority of section 4588 of the Revised Statutes of the United States are hereby declared void.

Approved, October 9, 1940.

[CHAPTER 785]

AN ACT

October 9, 1940
[H. R. 1999]
[Public, No. 817]

To confer jurisdiction upon certain United States commissioners to try petty offenses committed on Federal reservations.

U. S. commissioners.
Jurisdiction to try petty offenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any United States commissioner specially designated for that purpose by the court by which he was appointed shall have jurisdiction to try and, if found guilty, to sentence persons charged with petty offenses against the law, or rules and regulations made in pursuance of law, committed in any place over which the Congress has exclusive power to legislate or over which the United States has concurrent jurisdiction, and within the judicial district for which such commissioner was appointed. The probation laws shall be applicable to persons so tried before United States commissioners. For the purposes of this Act the term "petty offense" shall be defined as in section 335 of the Criminal Code (U. S. C., title 18, sec. 541). If any person charged with such petty offense shall so elect, however, he shall be tried in the district court of the United States which has jurisdiction

Probation laws.
"Petty offense" defined.
46 Stat. 1029.
Right of defendant to be tried in district court of U. S.

over the offense. The commissioner before whom the defendant is arraigned shall apprise the defendant of his right to make such election and shall not proceed to try the case unless the defendant after being so apprised, signs a written consent to be tried before the commissioner.

SEC. 2. In all cases of conviction by United States commissioners an appeal shall lie from the judgment of the commissioner to the district court of the United States for the district in which the offense was committed. The Supreme Court shall prescribe rules of procedure and practice for the trial of cases before commissioners and for taking and hearing of appeals to the said district courts of the United States.

SEC. 3. United States commissioners specially designated under authority of section 1 of this Act shall receive for services rendered under this Act the same fees, and none other, as provided for like or similar services in other cases under section 21 of the Act of May 28, 1896 (29 Stat. 184; U. S. C., title 28, sec. 597).

SEC. 4. This Act shall not be construed as in any way repealing or limiting the existing jurisdiction, power, or authority of United States commissioners, including United States commissioners appointed for the several national parks and the United States commissioners in Alaska.

SEC. 5. The provisions of this Act shall not apply to the District of Columbia.

Approved, October 9, 1940.

Appeal.

Rules of procedure, etc.

Fees.

Existing jurisdiction, etc.

Nonapplication to D. C.

[CHAPTER 786]

AN ACT

To amend the Commodity Exchange Act, as amended, to extend its provisions to fats and oils, cottonseed, cottonseed meal, and peanuts.

October 9, 1940

[H. R. 4688]

[Public, No. 818]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of section 2 of the Commodity Exchange Act, as amended, is amended to read as follows: "The word 'commodity' shall mean wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, *Solanum tuberosum* (Irish potatoes), wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans and soybean meal."

Commodity Exchange Act, amendment.

"Commodity" defined.

52 Stat. 205.

7 U. S. C., Supp.

V, § 2.

Post, p. 1115.

SEC. 2. This Act shall take effect sixty days after the date of its enactment.

Effective date.

Approved, October 9, 1940.

[CHAPTER 787]

AN ACT

To permit the States to extend their sales, use, and income taxes to persons residing or carrying on business, or to transactions occurring, in Federal areas, and for other purposes.

October 9, 1940

[H. R. 6687]

[Public, No. 819]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) no person shall be relieved from liability for payment of, collection of, or accounting for any sales or use tax levied by any State, or by any duly constituted taxing authority therein, having jurisdiction to levy such a tax, on the ground that the sale or use, with respect to which such tax is levied, occurred in whole or in part within a Federal area; and such State or taxing authority shall have full jurisdiction and power to levy and collect any such tax in any Federal area within such State to the same extent and with the same effect as though such area was not a Federal area.

Extension of State sales or use tax to Federal areas.

Applicability.

(b) The provisions of subsection (a) shall be applicable only with respect to sales or purchases made, receipts from sales received, or storage or use occurring, after December 31, 1940.

Extension of State income tax to Federal areas.

SEC. 2. (a) No person shall be relieved from liability for any income tax levied by any State, or by any duly constituted taxing authority therein, having jurisdiction to levy such a tax, by reason of his residing within a Federal area or receiving income from transactions occurring or services performed in such area; and such State or taxing authority shall have full jurisdiction and power to levy and collect such tax in any Federal area within such State to the same extent and with the same effect as though such area was not a Federal area.

Applicability.

(b) The provisions of subsection (a) shall be applicable only with respect to income or receipts received after December 31, 1940.

Tangible personal property sold by U. S.

SEC. 3. (a) The provisions of sections 1 and 2 of this Act shall not be deemed to authorize the levy or collection of any tax on or from the United States or any instrumentality thereof, or the levy or collection of any tax with respect to sale, purchase, storage, or use of tangible personal property sold by the United States or any instrumentality thereof to any authorized purchaser.

Authorized purchaser.

(b) A person shall be deemed to be an authorized purchaser under this section only with respect to purchases which he is permitted to make from commissaries, ship's stores, or voluntary unincorporated organizations of Army or Navy personnel, under regulations promulgated by the Secretary of War or the Secretary of the Navy.

Jurisdiction of U. S. over Federal areas.

SEC. 4. The provisions of this Act shall not for the purposes of any other provision of law be deemed to deprive the United States of exclusive jurisdiction over any Federal area over which it would otherwise have exclusive jurisdiction or to limit the jurisdiction of the United States over any Federal area.

Taxation of Indians.

SEC. 5. Nothing in sections 1 and 2 of this Act shall be deemed to authorize the levy or collection of any tax on or from any Indian not otherwise taxed.

Definitions.

SEC. 6. As used in this Act—

"Person."
26 U. S. C., Supp.
V, § 3797.
"Sales or use tax."

(a) The term "person" shall have the meaning assigned to it in section 3797 of the Internal Revenue Code.

(b) The term "sales or use tax" means any tax levied on, with respect to, or measured by, sales, receipts from sales, purchases, storage, or use of tangible personal property, except a tax with respect to which the provisions of section 10 of the Federal Highway Act, approved June 16, 1936, are applicable.

49 Stat. 1521.
4 U. S. C., Supp. V,
§ 12.
"Income tax."

(c) The term "income tax" means any tax levied on, with respect to, or measured by, net income, gross income, or gross receipts.

"State."

(d) The term "State" includes any Territory or possession of the United States.

"Federal area."

(e) The term "Federal area" means any lands or premises held or acquired by or for the use of the United States or any department, establishment, or agency of the United States; and any Federal area, or any part thereof, which is located within the exterior boundaries of any State shall be deemed to be a Federal area located within such State.

Federal Highway
Act, amendment.
49 Stat. 1521.
4 U. S. C., Supp.
V, § 12.

SEC. 7. (a) Subsection (a) of section 10 of the Federal Highway Act, approved June 16, 1936, is amended—

(1) By striking out the words "upon sales of gasoline and other motor vehicle fuels" and inserting in lieu thereof the words "upon, with respect to, or measured by, sales, purchases, storage, or use of gasoline or other motor vehicle fuels"; and

(2) By striking out the words "upon such fuels" and inserting in lieu thereof the words "with respect to such fuels".

(b) Subsection (b) of such section 10 is amended by striking out the words "not sold for the exclusive use of the United States during" and inserting in lieu thereof the words "with respect to which taxes are payable under subsection (a) for".

Approved, October 9, 1940.

[CHAPTER 788]

AN ACT

Providing for the barring of claims against the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every claim or demand (except a claim or demand by any State, Territory, possession or the District of Columbia) against the United States cognizable by the General Accounting Office under section 305 of the Budget and Accounting Act of June 10, 1921 (42 Stat. 24), and the Act of April 10, 1928 (45 Stat. 413), shall be forever barred unless such claim, bearing the signature and address of the claimant or of an authorized agent or attorney, shall be received in said office within ten full years after the date such claim first accrued: *Provided*, That when a claim of any person serving in the military or naval forces of the United States accrues in time of war, or when war intervenes within five years after its accrual, such claim may be presented within five years after peace is established.

SEC. 2. Whenever any claim barred by section 1 shall be received in the General Accounting Office, it shall be returned to the claimant, with a copy of this Act, and such action shall be a complete response without further communication.

Approved, October 9, 1940.

October 9, 1940

[H. R. 8160]

[Public, No. 820]

Barring of claims
against United States.

31 U. S. C. §§ 71, 236.

Proviso.
Accrual in time of
war, etc.

Return of barred
claims.

[CHAPTER 789]

AN ACT

Granting the consent of Congress to the Minnesota Department of Highways and the counties of Benton and Stearns in Minnesota, to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Sauk Rapids, Minnesota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Minnesota Department of Highways and the counties of Benton and Stearns in Minnesota, to construct, maintain, and operate a free highway bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Sauk Rapids, Minnesota, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, October 9, 1940.

October 9, 1940

[H. R. 9561]

[Public, No. 821]

Mississippi River.
Bridge authorized
across, at Sauk
Rapids, Minn.

34 Stat. 84.
33 U. S. C. §§ 491-
498.

Right reserved.

[CHAPTER 790]

AN ACT

To authorize the acceptance of donations of property for the Vicksburg National Military Park, in the State of Mississippi, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, in his discretion, to accept, in behalf of the United States, donations of lands, buildings, structures,

October 9, 1940

[H. R. 9556]

[Public, No. 822]

Vicksburg National
Military Park, Miss.
Acceptance of prop-
erty donations.

and other property, or interests therein, within a distance of one mile of the present boundaries of the Vicksburg National Military Park, which he may determine to be of historical interest in connection with said park, the title to such property or interests therein to be satisfactory to the Secretary of the Interior.

Applicability of
specified laws and
regulations.

All such property or interests therein, upon acceptance thereof, shall become a part of the Vicksburg National Military Park and shall be subject to all laws and regulations applicable thereto.

Approved, October 9, 1940.

[CHAPTER 791]

AN ACT

October 9, 1940

[H. R. 9670]

[Public, No. 823]

To provide an eight-hour workday and payment for overtime for dispatchers and mechanics-in-charge in the motor-vehicle service of the Postal Service.

Postal Service.
43 Stat. 1061.
39 U. S. C. § 116;
Supp. V, § 116.

Dispatchers, etc.
Hours of service.

Computation of
overtime pay.

39 Stat. 416.
39 U. S. C. § 119.

Employment on
Sundays and holi-
days.

Proviso.
Overtime pay in
lieu of compensatory
time.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sixth paragraph of section 6 of the Act entitled "An Act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment and for other purposes", approved February 28, 1925, is amended to read as follows:

"Dispatchers, mechanics-in-charge, special mechanics, general mechanics, mechanics' helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service, and employees of the pneumatic-tube system, shall be required to work not more than eight hours a day. The eight hours of service shall not extend over a longer period than ten consecutive hours, and the schedules of duties of the employees shall be regulated accordingly. In cases of emergency, or if the needs of the service require, special clerks, clerks, dispatchers, mechanics-in-charge, special mechanics, general mechanics, mechanics' helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service, and employees of the pneumatic-tube system, can be required to work in excess of eight hours per day, and for such overtime service they shall be paid on the basis of the annual pay received by such employees. In computing the compensation for such overtime the annual salary or compensation for such employees shall be divided by three hundred and six, the number of working days in the year less all Sundays and legal holidays enumerated in the Act of July 28, 1916; the quotient thus obtained will be the daily compensation which divided by eight will give the hourly compensation for such overtime service. When the needs of the service require the employment on Sundays and holidays of route supervisors, special clerks, clerks, dispatchers, mechanics-in-charge, special mechanics, general mechanics, mechanics' helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service, and employees of the pneumatic-tube system, they shall be allowed compensatory time on one day within six days next succeeding the Sunday, except the last three Sundays in the calendar year, and on one day within thirty days next succeeding the holiday and the last three Sundays in the year on which service is performed: *Provided, however,* That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime in lieu of compensatory time for service on Sundays and holidays."

Approved, October 9, 1940.

[CHAPTER 792]

AN ACT

To provide for the regulation of the business of fire, marine, and casualty insurance,
and for other purposes.

October 9, 1940
[H. R. 9722]
[Public, No. 824]

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

CHAPTER I—TITLE AND DEFINITIONS

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.—This Act shall be
known as the “Fire and Casualty Act”.

District of Colum-
bia.
Fire and Casualty
Act.

TABLE OF CONTENTS

CHAPTER I

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- Sec. 2. Application.
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CHAPTER II

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 - (1) Fire and marine.
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 - (a) Service of process upon unauthorized company.
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- Sec. 25. Maximum and contingent premiums of mutual companies.
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- Sec. 29. Discriminations prohibited.
- Sec. 30. Agents and brokers—Requirements for license, and so forth.
- Sec. 31. Payment of commissions restricted to licensed persons.
- Sec. 32. Procedure for obtaining licenses.
- Sec. 33. Effective dates of licenses and proration of fees.
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- Sec. 41. License fees.
- Sec. 42. Testimony; production of books.
- Sec. 43. Penalties not otherwise prescribed.
- Sec. 44. Appeal from superintendent to Commissioners.
- Sec. 45. Court proceedings.
- Sec. 46. Repeals.
- Sec. 47. Constitutionality.
- Sec. 48. Effective date of act.

Application.	SEC. 2. APPLICATION.—All fire, marine, and casualty insurance companies now or hereafter incorporated or formed in the District, or authorized to do business in the District, all brokers and all agents and other representatives of such companies, shall, to the extent hereinafter provided, be subject to this Act: <i>Provided</i> , That this Act shall not affect the business of life and title insurance, and shall not affect the right or authority of any solvent company to make contracts of fidelity or surety, and shall not affect a plan under which any person provides pension benefits to his employees.
<i>Proviso.</i> Designated business not affected.	
Definitions.	SEC. 3. DEFINITIONS.—In this Act, unless the context otherwise requires—
"District."	"District" means District of Columbia.
"Commissioners."	"Commissioners" means the Commissioners of the District of Columbia.
"Superintendent."	"Superintendent" means the Superintendent of Insurance of the District of Columbia.
"Department."	"Department" means the Department of Insurance of the District of Columbia.
"Company."	"Company" means an insurance, surety, or indemnity company, and shall be deemed to include a corporation, company, partnership, association, individual, or aggregation of individuals engaging in or proposing or attempting to engage in any kind of insurance, surety, or indemnity business, including the exchanging of reciprocal or interinsurance contracts between individuals, partnerships, and corporations.
"Authorized company." <i>Post</i> , p. 1066.	"Authorized company" means a company which has authority from the Superintendent to do business in the District as provided under section 2, chapter II, of this Act.
"Unauthorized company." <i>Post</i> , p. 1066.	"Unauthorized company" means a company which does not have authority from the Superintendent to do business in the District as provided under section 2, chapter II, of this Act.
"Domestic company."	"Domestic company" means a company incorporated or organized under the laws of the District.
"Foreign company."	"Foreign company" means a company incorporated or organized under the laws of any State of the United States.
"Alien company."	"Alien company" means a company incorporated or organized under the laws of any country other than the United States.
"Reciprocal."	"Reciprocal" includes interinsurance exchange.
"Person."	"Person" includes individuals, corporations, associations, exchanges, and partnerships.
Personal pronouns.	Personal pronouns include all genders; the singular includes the plural and the plural includes the singular.
"Policy."	"Policy" means an insurance policy or contract, including contracts of fidelity and surety, and includes any contract wherein one party called the "company", for a consideration, undertakes to pay money or its

equivalent, or to do an act valuable to any other party upon the happening of the hazard or peril insured against whereby the party insured suffers loss or injury or is subjected to legal liability.

"Officer", when used to refer to officer of the company, includes an attorney-in-fact.

"Officer."

"Policy writing agent" means any person who is not a salaried employee of a company, and whose residence or principal place of business is located in the District, and who is authorized in writing by any company authorized to transact business in the District to countersign policies and to solicit, negotiate, or effect contracts of insurance, surety, or indemnity for such company in the District.

"Policy writing agent."

"Soliciting agent" means any person who is not a salaried employee of a company and whose residence or principal place of business is located in the District, and who is authorized by a company having authority to transact business in the District, or by a policy-writing agent, to solicit in the District contracts of insurance, surety, or indemnity in behalf of such company or agent.

"Soliciting agent."

"Broker" means any person who for a consideration acts or aids in any manner in the solicitation or negotiation on behalf of the assured of contracts of insurance, surety, or indemnity.

"Broker."

"Salaried company employee" means any person regularly employed by an authorized company, and who is paid a regular wage or salary to perform certain duties and functions authorized by such company. For the purposes of this Act the term "salaried company employee" shall not include employees engaged solely in office duties or in the inspection, rating, or classifying of risks or in the supervision of agents, or any employee not engaged in the solicitation or writing of policies, or officers of companies or associations engaged in the performance of their usual and customary executive duties.

"Salaried company employee."

Exclusions.

"Surplus" means the excess of admitted assets over liabilities and capital in the case of a company with capital stock, and the excess of admitted assets over liabilities in the case of a company without capital stock.

"Surplus."

"Liabilities" means all debts due or to become due, contingent or otherwise, of which the company has knowledge, and includes the reserves required by this Act.

"Liabilities."

"Admitted assets" includes the investments authorized or permitted by this Act, and in addition thereto only the following:

"Admitted assets," investments included.

(1) Cash in a company's principal or branch offices or in possession of a company or in transit, and cash deposited with the officers of any State or subdivision thereof, or the Dominion of Canada, when such deposit is necessitated by the laws of such State or subdivision thereof, or by the laws of the Dominion of Canada.

(2) Cash deposited in sound banks and trust companies.

(3) The amount fairly estimated as recoverable on cash deposited in closed banks and trust companies.

(4) Bills and accounts receivable collateralized by securities of the kind in which the company is authorized to invest.

(5) Bills receivable not past due for risks taken by companies authorized to transact fire and marine business described in section 10 of chapter II of this Act that are not in excess of the unearned premiums thereon.

Post, p. 1069.

(6) Gross premiums or premium deposits in course of collection not more than ninety days past due, less commissions due thereon to agents.

(7) Amounts fairly estimated as recoverable from advances made on contracts under surety bonds.

(8) Amounts due from solvent insurance companies, bureaus, or company associations, and amounts fairly estimated as recoverable from insolvent insurance companies.

(9) The interest accrued during the twelve months immediately preceding on mortgage loans other than those upon which the company is proceeding for the enforcement of security.

(10) The rents accrued on the company's property during the twelve months immediately preceding.

(11) Interest due and accrued on bonds conforming to this Act and not in default.

(12) Amounts due and accrued on dividends declared on shares of stock conforming to this Act.

(13) Interest due and accrued on collateral loans which is not in excess of the value of the collateral over the amount loaned thereon.

(14) Interest due and accrued on deposits in sound banks and trust companies.

(15) Interest accrued on tax-anticipation warrants.

(16) Amounts due for tax refunds allowed but unpaid from the United States or any State.

CHAPTER II—POWERS AND DUTIES OF SUPERINTENDENT

GENERAL PROVISIONS

Records of Insurance Department.

SECTION 1. RECORDS OF INSURANCE DEPARTMENT; POWER TO MAKE RULES.—The office of the Superintendent shall be a public office, and the records, books, and papers thereof on file therein shall be public records of the District, except as the Superintendent for good reason may decide otherwise, or except as it may be provided otherwise herein.

Rules and regulations.

The Superintendent shall have authority to make and enforce such reasonable rules and regulations as may be necessary in making effective the provisions of this Act, but such rules and regulations shall not be contrary to nor inconsistent with the provisions of this Act.

Certificate of authority.

SEC. 2. CERTIFICATE OF AUTHORITY.—It shall be the duty of the Superintendent to issue a certificate of authority to a company when it shall have complied with the requirements of the laws of the District so as to be entitled to do business therein. The Superintendent may, however, satisfy himself by such investigation as he may deem proper or necessary that such company is duly qualified under the laws of the District to transact business therein, and may refuse to issue or renew any such certificate to a company if the issuance or renewal of such certificate would adversely affect the public interest. In each case the certificate shall be issued under the seal of the Superintendent authorizing and empowering the company to transact the kind or kinds of business specified in the certificate, and each such certificate shall be made to expire on the 30th day of April next succeeding the date of its issuance. No company shall transact any business in or from the District until it shall have received a certificate of authority as authorized by this section, and no company shall transact any business not specified in such certificate of authority. No domestic mutual company shall transact any business in the District until it has bona fide applications for insurance covering not less than two hundred separate risks in not less than twenty policies to be issued to not less than twenty members, and has received the cash premium therefor, and has a surplus of not less than the amount provided under sections 12 and 13 of chapter II of this Act.

Requirements of domestic mutual companies.

Post, p. 1070.

Revocation and suspension of certificate of authority.

SEC. 3. REVOCATION AND SUSPENSION OF CERTIFICATE OF AUTHORITY.—The Superintendent shall have power to revoke or suspend the certificate of authority to transact business in the District of any

company which has failed or refused to comply with any provision or requirement of this Act, or which—

- (a) Is impaired in capital or surplus;
- (b) Is insolvent;
- (c) Is in such a condition that its further transaction of business in the District would be hazardous to its policyholders or creditors in the District, or to the public;
- (d) Has refused or neglected to pay a valid final judgment against such company within thirty days after such judgment shall have become final either by expiration without appeal within the time when such appeal might have been perfected, or by final affirmance on appeal;
- (e) Has violated any law of the District or has in the District violated its charter or exceeded its corporate powers;
- (f) Has refused to submit its books, papers, accounts, records, or affairs to the reasonable inspection or examination of the Superintendent, his deputies, or duly appointed examiners;
- (g) Has an officer who has refused upon reasonable demand to be examined under oath touching its affairs;
- (h) Fails to file with the Superintendent a copy of an amendment to its charter or articles of association within thirty days after the effective date of such amendment;
- (i) Has had its corporate existence dissolved or its certificate of authority revoked in the State in which it was organized; or
- (j) Has had all its risks reinsured in their entirety in another company, without prior approval of the Superintendent.

The Superintendent shall not revoke or suspend the certificate of authority of any company until he has given the company not less than thirty days' notice of the proposed revocation or suspension and of the grounds alleged therefor, and has afforded the company an opportunity for a full hearing: *Provided, however,* That if the Superintendent shall find upon examination that the further transaction of business by the company would be hazardous to the public or to the policyholders or creditors of the company in the District, he may suspend such authority without giving notice as herein required.

Notice of revocation, etc.; hearing.

Proviso.
Suspension without notice.

SEC. 4. WHEN COMPANY HAS CEASED BUSINESS. If a company shall cease to do business in the District, it shall thereupon make report to the Superintendent of the taxable premiums collected which have not been reported prior to the date of the cessation of business, and shall forthwith pay to the collector of taxes of the District, through the Superintendent, a tax thereon computed according to law. If a company fails or refuses to make such a report or to pay the tax imposed upon it as required by law, it shall be liable to the District for the amount of such taxes, plus a penalty of 8 per centum per month for each month or part thereof during which such taxes remain unpaid.

When company has ceased business.

SEC. 5. RECEIVERSHIP PROCEEDINGS.—The Superintendent may, through the corporation counsel of the District, apply to the district court of the United States for the District for a rule directing any company organized under the laws of the District or any company in the course of organization to show why the Superintendent should not take possession of its property and conduct its business as the nature of the case and the interests of the policyholders, creditors, stockholders, or the public may require, whenever any such company is—

Receivership proceedings.

- (a) Insolvent; or
- (b) Has neglected or refused to observe a lawful order of the Superintendent to make good any deficiency in its capital or surplus; or
- (c) Has by contract of reinsurance or otherwise transferred or attempted to transfer substantially its entire property or business, or has entered into any transaction, the effect of which is to merge sub-

stantially its entire property or business in the property or business of any other company, without having first obtained the written approval of the Superintendent; or

(d) Is found after an examination by the Superintendent to be in such condition that its further transaction of business would be hazardous to its policyholders; or

(e) Has violated its charter; or

(f) Is carrying on activities against public policy.

Injunctions.	Upon such application, such court may, in its discretion, issue an injunction restraining such company from the transaction of its business or disposition of its property pending further order of the court.
Determination of issues.	On the return of such rule to show cause, the court shall hear, try, and determine the issues forthwith, and shall either deny the application or direct the Superintendent to take possession of the property and conduct the business of such company and retain such possession and conduct such business until on the application either of the Superintendent, the corporation counsel representing him, or the company, it shall, after a like hearing, appear to the court that the ground for the order directing the Superintendent to take possession has been removed, and that the company can properly resume the possession of its property, and the conduct of its business. If on the like application and rule to show cause, and after a hearing, the court shall order the liquidation of the business of such company, such liquidation shall be made by and under the direction of the Superintendent, who may deal with the property and business of such company in his own name as Superintendent, or in the name of the company, as the court may direct, and shall be vested by operation of law with title to all of the property, contracts, and rights of action of such company as of the date of the order so directing him to liquidate. The filing or recording of such order in the office of the recorder of deeds for the District shall impart the same notice that a deed, bill of sale, or other evidence of title duly filed or recorded by such company would have imparted. For the purpose of this section, the Superintendent shall have power to appoint under his hand and official seal one or more special deputy superintendents, and to employ clerks and assistants as may by him be deemed necessary.
Liquidation.	The fair and reasonable compensation of such special deputies, clerks, and assistants, and all the expenses of taking possession of and conducting the business of any such company shall, subject to the approval of the court, be paid out of the funds or assets of such company. The court may require a corporate surety bond or bonds from the Superintendent in such amount as it may deem necessary.
Filing or recording of order.	SEC. 6. WHEN COMPANY TO BE DEEMED INSOLVENT.—Any insurance company whose assets are not sufficient to reinsure its outstanding risks in a solvent insurance company shall be deemed insolvent, and may be proceeded against as provided in this Act.
Appointment of special deputies, etc.	SEC. 7. WHEN CAPITAL OR SURPLUS OF COMPANY DEEMED IMPAIRED.—Any company whose capital has been reduced to an amount less than that required by this Act, or whose surplus of admitted assets in excess of all liabilities is less than the amount required by this Act, shall be deemed to be impaired in capital or surplus, and may be proceeded against as provided in this Act.
Compensation.	SEC. 8. ANNUAL STATEMENT.—Every company doing business in the District shall file with the Superintendent before March 1 in each year a financial statement for the year ending December 31 immediately preceding on forms furnished by the Superintendent. The Superintendent shall have authority to extend the time for filing such statement by any company for reasons which he shall deem good and sufficient. Such statement shall be verified by the oath of the president and secretary of the company, or, in their absence, by two other
Bond.	
When company to be deemed insolvent.	
When capital or surplus deemed impaired.	
Annual statement.	
Verification.	

principal officers. The Superintendent shall annually in the month of December furnish to each of the companies authorized to do business in the District blanks necessary for the filing of the statement herein required. Such blanks shall conform substantially to the form of statement adopted by the National Association of Insurance Commissioners. The Superintendent shall have power to make such modifications and additions in said blank forms of statement as he may deem desirable and necessary to ascertain the condition and affairs of the company. The Superintendent shall also have power to require that at least once in the month of March in each year a summary of such annual statement shall be published by the company in a daily newspaper published in the District.

SEC. 9. PENALTY FOR FALSE STATEMENT.—Any director, officer, agent, or employee of any company who subscribes to, makes or concurs in making or publishing any annual or other statement required by law, knowing the same to contain any material statement which is false, shall be fined not more than \$5,000 or imprisoned for not more than five years, or both.

SEC. 10. EXAMINATIONS.—The Superintendent may examine the books, papers, property, and affairs of any agent or company organized or doing business in the District, and of any company engaged in or professing to be engaged in organizing, promoting, or soliciting stock or capital contributions to or aiding in the formation of any company, or any company which holds the capital stock of another company for the purpose of controlling the management thereof as voting trustee or otherwise. The Superintendent, his deputy, or any examiner designated by the Superintendent, may examine under oath the officers and agents of such company, and all persons deemed to have material information regarding the company's property or business. Every such company, its officers, and agents shall produce at the home office of the company at the time designated by the Superintendent its books of original entry, and all records and papers in its or their possession relating to its or their business or affairs. The officers and agents of such company shall facilitate such examination insofar as it is in their power to do so. The expense of such examination shall be paid by the company examined. Any officer, director, agent, or employee of any company who makes or causes to be made any false entry in any book, report, or statement of such company with intent to injure or defraud such company or any other company or person, or to deceive any officer of such company, or the Superintendent, and any person who with like intent aids or abets any officer, director, agent, or employee in any violation of this Act shall be fined not more than \$1,000, or shall be imprisoned for not more than five years, or both. The Superintendent may, in lieu of such examination of a foreign or alien company, accept the report on the examination of such company made by the Insurance Department or other insurance supervising official in any other State or any government outside the United States.

SEC. 11. CLASSIFICATION OF INSURANCE.—Any company authorized to do business in the District may, when empowered by its charter, make all or any one or more of the kinds of insurance and reinsurance comprised in either or both of the following classes, subject to and in accordance with the provisions of this Act:

(1) FIRE AND MARINE.—On houses, buildings, and all other kinds of property against loss, damage, or damages by fire, lightning, or storm; to insure against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers or water pipes; and to make all kinds of insurance against loss of or damage to goods, merchandise, or other property caused by fire, risks of transportation, or navigation, the action of the elements or adverse manifestations of

Blank forms.

Publication of summary.

Penalty for false statement.

Examinations.

Books of original entry, records, etc.

Penalty for false entry, etc.

Foreign or alien company.

Classification of insurance.

Fire and marine.

nature, as well as all and every risk or peril to which the subject of insurance may be exposed, against which it is not contrary to public policy to insure, including every insurable interest therein or in the use thereof, or profit or income therefrom, or legal liability therefor, but not to include injury to the person nor loss caused by breach of trust.

Casualty.

(2) CASUALTY.—(a) Upon the health of persons, or against injury, disablement, or death of persons resulting from traveling or general accidents by land or water, and against liability of the assured for injuries to employees or other persons; (b) against liability of the assured for loss or destruction of or damage to property; (c) upon the lives of domestic animals; (d) against loss of or damage to glass and its appurtenances; (e) against loss of or damage to any property resulting from the explosion of or injury to any boiler, heater, unfired pressure vessel, pipes or containers connected therewith, any engine, turbine, compressor, pump or wheel or any apparatus generating, transmitting or using electricity, or any other machine or apparatus connected with or operated by any of the previously named boilers, vessels or machines; and including the incidental power to make inspections of and to issue certificates of inspection upon, any such boilers, apparatus and machinery, whether insured or otherwise; (f) against loss by burglary or theft, or both, and against loss of or damage to moneys and securities; (g) to guarantee and indemnify merchants, traders, and those engaged in business and giving credit, from loss and damage by reason of giving and extending credit to their customers and those dealing with them; (h) against loss or damage by water or other fluid or substance to any property resulting from the breakage or leakage of sprinklers or water pipes; (i) to insure against any other casualty risk which may lawfully be the subject of insurance, and which it is not contrary to public policy to insure: *Provided*, That this section shall not be construed as having any effect whatever upon the right or authority of any solvent company to make contracts of fidelity or surety.

Proviso.
Fidelity or surety
contracts.

Limitation of risk.

SEC. 12. LIMITATION OF RISK.—No company other than a mutual or reciprocal company doing business in the District shall expose itself to any loss on any one risk or hazard in the District to an amount exceeding 10 per centum of the sum of its capital stock and surplus without the written prior consent of the Superintendent. No mutual or reciprocal company shall expose itself to any loss on any one risk or hazard in the District to an amount exceeding 10 per centum of its surplus without written prior consent of the Superintendent. No portion of any such risk or hazard which shall have been reinsured in a company authorized to do business in the District shall be included in determining limitation of risk: *Provided*, That the provisions of this section shall not apply to the insurance of workmen's compensation, employers' liability, marine, or inland marine risks.

Proviso.
Nonapplicability to
specified risks.

Minimum capital
and surplus require-
ment.

SEC. 13. MINIMUM CAPITAL AND SURPLUS REQUIREMENT.—Every stock company authorized to do business in the District shall have and shall at all times maintain a paid-up capital stock of not less than \$150,000, and a surplus of not less than \$150,000. Every domestic mutual company and every domestic reciprocal company shall have and shall at all times maintain a surplus of not less than \$150,000, and every foreign or alien mutual company and every foreign or alien reciprocal company shall have and shall at all times maintain a surplus of not less than \$200,000.

Corporations here-
tofore formed.

SEC. 14. CORPORATIONS HERETOFORE FORMED.—No company shall be exempt from the provisions of this Act by reason of its having been incorporated in the District or elsewhere prior to the effective date of this Act, except that, in the case of companies authorized in the District on the date of approval of this Act, and continuously authorized

thereafter without any increase of authority, the minimum capital and surplus required of a stock company, and the minimum surplus required of a mutual or reciprocal company, or of a Lloyd's organization by the laws of the District heretofore applicable shall not be increased by this Act, and provided also that in the case of such continuously authorized companies the provisions of section 24 relating to the names of companies, and the provisions of section 25 relating to the amount of surplus necessary to the issuance of policies having no provision for contingent liability, shall not be applicable.

Post, p. 1076.

SEC. 15. DOMESTIC COMPANIES.—Any domestic stock, mutual, or reciprocal company desiring to transact business in the District shall, after complying with the general laws of the District governing the formation of companies or corporations, file with the Superintendent copies of its articles of incorporation, bylaws, charter, proposed forms of policies, and such other information as may be necessary to manifest and explain the organization, objects, and purposes of the company, and to satisfy the Superintendent that such company has complied with the laws of the District regarding the formation of companies. Thereafter, upon application made to the Superintendent upon such forms as the Superintendent shall prescribe, the Superintendent, subject to the provisions of chapter II, section 2, of this Act, shall issue to the company a certificate of authority to transact business in the District.

Domestic companies.
Papers, etc., to be filed with Superintendent.

Issuance of certificate of authority.

Ante, p. 1066.

SEC. 16. DOMESTIC COMPANY REAL ESTATE HOLDINGS.—A domestic company may acquire, hold, and convey real estate for the purpose and in the manner only following:

Domestic company real estate holdings.

(1) The building in which it has its principal office and the land on which it stands.

(2) Such as shall be requisite for its convenient accommodation in the transaction of its business.

(3) Such as shall have been acquired for the accommodation of its business.

(4) Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted or for money due.

(5) Such as shall have been conveyed to it in satisfaction of debts, previously contracted, in the course of its dealings.

(6) Such as it shall have purchased at sales on judgments, decrees, or mortgages obtained or made for such debts.

All such real estate specified in paragraphs (3), (4), (5), and (6) of this section, which shall not be necessary for its accommodation in the convenient transaction of its business, shall be sold by the company and disposed of within five years after it shall have acquired the title to the same, or within five years after the same shall have ceased to be necessary for the accommodation of its business, unless the company procure the certificate of the Superintendent that its interests will suffer materially by a forced sale thereof, in which event the time for the sale may be extended to such time as the Superintendent shall direct in such certificate.

Sale of specified real estate.

SEC. 17. MUTUAL COMPANY'S SURPLUS FUND—POWER TO BORROW.—A domestic mutual company may borrow or assume liability for the repayment of a sum of money sufficient to defray the reasonable expenses of its organization or to enable it to comply with any requirement of law or as a surplus fund upon agreement which shall first be submitted to and approved by the Superintendent that such loan or advance with interest at a rate not exceeding 6 per centum per annum shall be repaid only with the approval of the Superintendent whenever in his judgment the company shall be in possession of sufficient surplus in excess of a surplus equal to the amount required by this Act. Any such loan or advance shall not form a part of the legal liabilities of the company, but until such loan or advance has been repaid all statements published

Mutual company's surplus fund.
Power to borrow; repayment.

by such company or filed with the Superintendent shall show the amount thereof then remaining unpaid.

Investment of funds of domestic companies.

SEC. 18. INVESTMENT OF FUNDS OF DOMESTIC COMPANIES.—A domestic company shall invest its funds only in—

Government, etc., bonds.

(1) Bonds or other evidences of indebtedness of the United States, or of any State; or of the Dominion of Canada, or of any Province thereof.

County, etc., bonds.

(2) Bonds or other evidences of indebtedness of any county, city, town, village, school district, or other municipal district within the United States or the Dominion of Canada which shall be a direct obligation of the county, city, town, village, or district issuing the same.

Bonds, etc., secured by mortgages on unencumbered real estate.

(3) Bonds or notes secured by mortgages or deeds of trust on unencumbered real estate or perpetual leases thereon in the United States or Dominion of Canada worth not less than 50 per centum more than the amount loaned thereon. Where improvements on the land constitute a part of the value on which the loan is made, the improvements shall be insured against fire for the benefit of the mortgage in an amount not less than the difference between two-thirds of the value of the land and the amount of the loan: *Provided*, That for the purposes of this section real estate shall not be deemed to be encumbered within the meaning of this section by reason of the existence of taxes or assessments that are not delinquent, instruments creating or reserving mineral, oil, or timber rights, rights-of-way, joint driveways, sewer rights, rights in walls, nor by reason of building restrictions or other restrictive covenants, nor when such real estate is subject to lease in whole or in part whereby rents or profits are reserved to the owner.

Insurance of improvements.

Proviso.
Unencumbered real estate construed.

(4) Bonds or notes secured by mortgages insured by the Federal Housing Administrator and in debentures issued by the Federal Housing Administrator: *Provided*, That the restrictions in subparagraph (3) of this section in regard to the ratio of the loan to the value of the property shall not apply to such insured mortgages.

Bonds, etc., insured by FHA.

Proviso.
Restriction waived.

Bonds of farm-loan banks, etc.
39 Stat. 360.
12 U. S. C. §§ 641-1012;
Supp. V, §§ 641-1001.

(5) Bonds or other evidences of indebtedness of the farm-loan banks authorized under the Federal Farm Loan Act or Acts amendatory thereof or supplementary thereto, and bonds or other evidences of indebtedness of national mortgage associations.

Stocks, etc., of solvent corporations.

(6) Stock or bonds and other evidences of indebtedness of any solvent corporation of any State or Territory of the United States or of the District or of any Province of the Dominion of Canada, excepting stock in its own corporation: *Provided*, That no such investment shall be made in or loan made upon the security of any such stocks upon which dividends in cash during the period of five years next preceding such purchase in each fiscal year for said five years shall not have been paid, and upon which bonds any regular interest payment shall have been defaulted any time within five years prior to such purchase or loan.

Proviso.
Restriction.

Designated loans.

Company doing business abroad, investments.

(7) Loans upon the pledge of any of the securities aforesaid.

(8) A company doing business in a foreign country may invest the funds required to meet its obligations in such country and in conformity to the laws thereof in the same kind of securities in such foreign country that such company is allowed by law to invest in the United States.

Bonds of HOLC.
48 Stat. 128.
12 U. S. C. §§ 1461-1468;
Supp. V, §§ 1462-1467.

(9) The bonds of the Home Owners' Loan Corporation, a corporation organized under and pursuant to the authority of the Home Owners' Loan Act of 1933, passed by the Congress of the United States and approved June 13, 1933.

Restriction.

No loan or investment shall be made by any such company, unless the same shall have been authorized by the board of directors or by a committee thereof charged with the duty of supervising loans or investments.

No such company shall subscribe to or participate in any underwriting of the purchase or sale of securities or property, or enter into any transaction for such purchase or sale on account of said company, jointly with any other corporation, firm, or person, or enter into any agreement to withhold from sale any of its securities or property; but the disposition of its assets shall at all times be within the control of the company.

Nothing in this Act shall prohibit a company from accepting in good faith, to protect its interest, securities or property, other than herein referred to, in payment of or to secure debts due or to become due the company.

SEC. 19. **EXCLUSIVE AGENCY CONTRACTS.**—No domestic company authorized to do an insurance business in the District shall have or make any contract with any person whereby such person is granted the exclusive right or privilege to solicit, procure, write, produce, or manage the entire insurance business of such company, or to collect premiums therefor, unless such contract is filed with and approved in writing by the Superintendent. The Superintendent shall not approve any such contract which—

(a) Subjects the company to excessive charges for expenses or commissions; or

(b) Gives to such person the right to manage any of the affairs of such company or the exclusive right to solicit, procure, write, or produce the entire insurance business for such company, or to collect the premiums therefor for such unreasonable period as may jeopardize the interests or security of the company's policyholders.

SEC. 20. **FOREIGN OR ALIEN COMPANIES.**—Upon complying with the provisions of this Act, a foreign or alien company organized as a stock, mutual, or reciprocal company, or as a Lloyd's organization, but not otherwise, may be authorized by certificate of authority to transact in the District the kind or kinds of business which a domestic company similarly organized may be authorized to transact under this Act. Such certificate of authority shall be issued as provided under section 2, chapter II, of this Act. The issuance of a certificate of authority to a Lloyd's organization shall be subject to the provisions of section 20A of this Act.

SEC. 20A. Individuals and aggregations of individuals transacting an insurance business upon the plan known as Lloyd's whereby the individual underwriters become liable severally for specified proportions of the whole amount insured by a policy, heretofore organized under the laws of a State of the United States, or of a foreign government, may be authorized to transact business in the District, upon the following conditions:

1. They shall comply with and be subject to the same terms, conditions, and provisions as are imposed by this Act upon foreign stock insurance companies, except as provided in the next succeeding paragraph and except that the maximum amount of insurance to be assumed by an individual underwriter upon any single risk for each kind of insurance shall not exceed 10 per centum of the value of the cash and securities deposited in trust by such underwriter, plus the share of admitted assets other than underwriter's deposits of such Lloyd's belonging to such underwriter, less the share of liabilities and reserves of such Lloyd's allocable to such underwriter, but in no event shall it exceed 10 per centum of the value of cash or securities deposited in trust by such underwriter;

2. They shall have and shall at all times maintain surpluses of not less than \$300,000 in the aggregate and shall at all times have on deposit with an insurance department of a State of the United States, or with a bank or trust company designated by such insurance department, for

Underwriting of purchases, etc.

Acceptance of other securities, etc.

Exclusive agency contracts, restriction.

Exception.
Contracts not to be approved.

Foreign or alien companies.
Certificate of authority to transact business.

Ante, p. 1066.

Lloyd's plan.
Authorization to do business under.

Conditions.

Compliance with terms, etc.

Maintenance of surpluses.
Deposit for benefit of policyholders.

<i>Proviso.</i> Substitution.	the benefit of all policyholders within the United States the sum of at least \$350,000 in cash or in securities such as are required for the investment of the assets of insurance companies authorized to do business in the District: <i>Provided</i> , That they shall not be required to establish or maintain such a deposit if they have on deposit in the hands of a bank or trust company in the United States as trustee cash deposits or securities issued by the United States worth not less than \$2,000,000 in the aggregate and held in trust for the benefit of all policyholders in the United States;
Filing of powers of attorney, etc.	3. They shall file with the Superintendent an authenticated copy of their powers of attorney and an authenticated copy of the trust agreement, or other agreement under which deposits made by underwriters are held;
Notification of amendments.	4. They shall notify the Superintendent forthwith of any amendments to their powers of attorney, deposit agreement, or other documents underlying their organization, by filing with the Superintendent an authenticated copy of such documents as amended.
Change in names, etc.	5. They shall notify the Superintendent forthwith of any change in their names or change of attorney-in-fact, or change of address of their attorney-in-fact;
Annual statement of an alien Lloyd's.	6. In the case of an alien Lloyd's, their annual statement shall embrace only their condition and transactions in the United States, and may be verified by the oath of their resident manager or other person or persons having proper authority;
Filing of verified statement. Contents.	7. There shall be filed with the Superintendent by the attorney-in-fact at the time of filing the annual statement, or more often if the Superintendent requires, a statement verified by the appropriate official of such Lloyd's, setting forth— (a) the names and addresses of all the underwriters of such Lloyd's; (b) a description of the cash and securities deposited in trust by each underwriter; (c) the maximum amount of insurance assumed by each underwriter upon any single risk or each kind of insurance; (d) that the maximum amount of insurance assumed upon any single risk for each kind of insurance by any individual underwriter does not exceed the limitation provided for in paragraph one of this section.
Application for certificate of authority.	SEC. 21. APPLICATION FOR CERTIFICATE OF AUTHORITY. —A foreign or alien company, in order to procure a certificate of authority to transact business in the District, shall make application therefor to the Superintendent on forms prescribed and furnished by the Superintendent. Such forms shall be executed for the company, by its president or vice president, or executive officer corresponding thereto, and verified by such officer, and if a corporation the corporate seal shall be thereto affixed, attested by its secretary or other proper officer.
Delivery to Superintendent of application and documents.	SEC. 22. DELIVERY TO SUPERINTENDENT OF APPLICATION AND DOCUMENTS. —A foreign or alien company shall deliver to the Superintendent (a) application of the company for a certificate of authority; (b) a copy of its articles of incorporation or articles of association and amendments thereto, duly certified by the proper officer of the State or country under whose laws the company is organized or incorporated, or if reciprocal, the power of attorney of the attorney-in-fact; (c) if an alien company, a copy of the appointment and authority of its United States manager, certified by a proper officer of the company; (d) a copy of its bylaws and regulations; (e) forms of contracts and policies it proposes to issue in the District, and forms of the applications therefor, if any; (f) the instrument authorizing service of process on the Superintendent required by section 23 (b) of chapter II of this Act; (g) a statement of its financial condition and business
Post, p. 1075.	

as of the end of the preceding calendar year, complying as to form and verification with the requirements of this Act for annual statements, or financial statement as of such later date as the Superintendent may require; (h) a copy of the last report of examination, certified to by an insurance commissioner or other proper supervisory official; (i) a certificate from the proper official of the State or country wherein it is incorporated or organized, that it is duly incorporated or organized and is authorized to write the kind or kinds of insurance which it proposes to write in the District. Before a certificate of authority to transact business in the District is issued to a foreign or alien company, such company shall satisfy the Superintendent that (a) the company is duly organized under the laws of the State or country under whose laws it professes to be organized and is authorized to do the business it is transacting or proposes to transact; (b) its name is not the same as, or so deceptively similar to, the name of any domestic company, or the name of any department of the Federal Government or existing corporation authorized to transact business in the District as to mislead the public or cause confusion; (c) if a stock company, it has a paid-up capital and surplus at least equal to the capital and surplus required by this Act, or, if a mutual company or reciprocal, it has a surplus and provision for contingent liability of policyholders at least equal to the surplus and provision for contingent liability of policyholders required by this Act; (d) its funds are invested in accordance with the laws of its domicile, and in securities or property which afford a degree of financial security substantially equal to that required for similar domestic companies. Before issuing a certificate of authority to a foreign or alien company, the Superintendent may cause an examination to be made of the condition and affairs of such company.

Prerequisites to issuance of certificate.

Foreign or alien company.

Service of process upon unauthorized company.

SEC. 23. (a) SERVICE OF PROCESS UPON UNAUTHORIZED COMPANY.—

(1) The issuance or delivery of a policy or contract of insurance in this District, to a citizen or resident thereof, by a foreign or alien company transacting business in this District without a certificate of authority, shall be deemed equivalent to an appointment by such company of the Superintendent and his successor or successors in office to be its true and lawful attorney upon whom may be served all lawful process in any action or proceeding against it, arising out of such policy or contract of insurance, and said issuance or delivery shall be a signification of its agreement that any such process against it which is so served shall be of the same legal force and validity as if served upon the company.

(2) Service of such process upon the Superintendent, and the responsibility of the Superintendent in regard thereto, shall be in accordance with the provisions for service of process upon authorized companies as provided in subsection (b).

(b) **ATTORNEY FOR SERVICES OF PROCESS.—**Every foreign or alien company now or hereafter authorized to transact business in the District shall file with the Superintendent a duly executed instrument appointing and constituting him and his successors true and lawful attorney for such company, upon whom all lawful process in any action or legal proceeding against it in the District may be served, and therein shall agree that any lawful process against it, which may be served upon its said attorney as herein provided, shall be of the same force and validity as if served upon the company, and that the authority thereof shall continue in force irrevocably so long as any liability of the company in the District shall remain outstanding. Such process shall be served by delivering to and leaving the same with the Superintendent or his deputy, and service thereof upon such attorney shall be deemed service upon the company. The Superintendent shall forthwith forward such process by prepaid registered mail to the company, or, in the case of

Attorney for service of process.

Manner of serving.

Failure to file instrument not to invalidate service.

Failure to designate attorney for service of process.

Penalty.

Mutual and reciprocal names.
Ante, p. 1070.

Maximum and contingent premiums of mutual companies.

Reserves.

Computation.
Ante, p. 1068.

Policy forms filed with Superintendent.

Provisions in accident and health policies.

Standard requirements.
48 Stat. 1166.
5 D. C. Code, Supp. V, § 220k.

an alien company, to the United States manager or last appointed United States general agent of the company. The registry receipt evidencing the deposit by the Superintendent, or his deputy, of such process, in the United States mails in the manner herein prescribed, shall be prima facie evidence of the completion of such service. Failure of any such company to file such an instrument, or failure on the part of any such company to authorize such filing, shall not invalidate any service made by serving the Superintendent. By accepting a certificate of authority to transact business in the District, every such company shall be held to have appointed the Superintendent its true and lawful attorney. Any such company transacting business in the District without designating an attorney for service of process as herein provided shall, upon information filed by the corporation counsel of the District in the police court of the District, be fined upon conviction not less than \$10 nor more than \$500 for each day during which the company shall have operated in violation of this section.

SEC. 24. MUTUAL AND RECIPROCAL NAMES.—Except as otherwise provided in section 14, no mutual company shall be authorized to transact business in the District unless the name of such company shall include the word "mutual", and no reciprocal or interinsurance exchange shall be authorized to transact business in the District unless the name or designation under which reciprocal or interinsurance contracts are to be exchanged shall include the words "reciprocal" or "interinsurance exchange", or be supplemented by the following words immediately below the name or designation under which such contracts are exchanged: "A reciprocal" or "an interinsurance exchange".

SEC. 25. MAXIMUM AND CONTINGENT PREMIUMS OF MUTUAL COMPANIES.—The maximum premium shall be expressed in the policy of a mutual company, and it may be solely a cash premium, or may be a cash premium and an additional contingent premium, which contingent premium shall be not less than the cash premium, but no mutual company, except as otherwise provided in section 14, shall issue any policy for a cash premium without an additional contingent premium until and unless it possesses a surplus of not less than \$300,000.

SEC. 26. RESERVES.—In determining the financial condition of companies authorized under this Act, allowance shall be made for proper and adequate reserves for liabilities, including reserves for—

- (a) Unpaid losses and the expenses of the adjustment thereof;
- (b) Unearned premiums;
- (c) Commissions, taxes, and all other legal obligations, contingent or otherwise, of which the company has knowledge.

The computation of such reserves shall be in accordance with the provisions of the form of annual statement required under section 8 of chapter II of this Act, and every authorized company shall maintain such reserves at all times.

SEC. 27. POLICY FORMS FILED WITH THE SUPERINTENDENT.—The Superintendent may require that all policy forms used by every authorized company covering risks in the District be filed with the Superintendent. The Superintendent shall have authority to disapprove the use in the District of any policy form which is inequitable, or does not comply with the requirements of the law of the District.

SEC. 28. PROVISIONS IN ACCIDENT AND HEALTH POLICIES.—The Superintendent may require that the provisions and conditions contained in any policy of insurance against loss or damage from sickness or bodily injury or death of the insured by accident issued by any company authorized by this Act to transact business in the District be made to conform to the requirements prescribed under section 12 of chapter V of Public Law Numbered 436, Seventy-Third Congress.

SEC. 29. DISCRIMINATIONS PROHIBITED.—Discrimination between individual risks of the same class or hazard in the amount of premiums or rates charged for any policy, or in the benefits or amount of insurance payable thereon, or in any of the terms or conditions of such policy, or in any other manner whatsoever, is prohibited, and the Superintendent is empowered after investigation to order removed at such time and in such manner as he shall specify any such discrimination which his investigation may reveal.

Discriminations prohibited.

SEC. 30. AGENTS AND BROKERS—REQUIREMENTS FOR LICENSE, AND SO FORTH.—No company authorized to do business in the District shall, by its representatives or otherwise, make, write, issue, or deliver any contract of insurance, surety, or indemnity, except life, title, and ocean marine insurance, on any person, property, business activity, or insurable interest within the District except through regularly constituted policy writing agents or authorized salaried employees licensed in the District as provided in this Act.

Agents and brokers, requirements for license, etc.

No such contract covering persons, property, business activities, or insurable interests in the District, except contracts of life, title, and ocean marine insurance, shall be written, issued, or delivered by any authorized company or by any of its representatives unless such contract is duly countersigned in writing by a person who is licensed as provided in this Act to countersign such contracts, and no salaried officer, manager, or other salaried employee of any authorized company, unless he be licensed as provided in this Act, shall write, issue, or countersign any such contract.

Countersigning of contracts.

No company, agent, or salaried company employee shall make any agreement as to a policy other than that which is plainly expressed in the policy issued.

Contradictory agreements.

No company, agent, salaried company employee, or broker shall pay or offer to pay or allow as an inducement to any person to insure any rebate of premium or any special favor or advantage whatever in the dividends to accrue thereon, or any inducement whatever not specified in the policy.

Inducements not specified in policy.

Every company authorized by this Act to do business in the District shall file annually with the Superintendent on or before the 15th day of April, and at such other times as they may be appointed, a list of agents and salaried employees of said company who are authorized to solicit, write, effect, issue, or deliver policies for such company in the District, except that the names of soliciting agents may be filed either by the company or by the policy-writing agent.

Filing of list of agents and salaried employees authorized to write, etc., policies.

Any policy-writing agent or salaried company employee authorized by any company to solicit, negotiate, bind, write, or issue policies or applications therefor shall, in any controversy between the insured or his representative and the said company, be held to be the agent of the company which issued or effected the policy solicited or so applied for, anything in the application or policy to the contrary notwithstanding.

Status of policy-writing agent, etc.

Any payment made by or on behalf of the insured to any broker for policies issued to such broker for delivery to the insured or issued directly to the insured on the order of such broker, shall, in controversies between the insured and the company, be deemed to have been paid to the company.

Certain payments to broker deemed paid to company.

No soliciting agent shall have any authority to countersign any policy.

Countersigning restrictions.

SEC. 31. PAYMENT OF COMMISSIONS RESTRICTED TO LICENSED PERSONS.—No company, policy-writing agent, soliciting agent, broker, or salaried employee shall pay any money or commission or brokerage or give or allow any valuable consideration to any person for or because of service in the District in negotiating or effecting a policy on any person, property, business activity, or insurable interest in the District,

Payment of commissions restricted to licensed persons.

Contracts of reinsurance.

Post, p. 1080.

Procedure for obtaining license.

Prerequisites.

Residence.

Identity.

Experience.

Reputation.

Corporate surety bond.
Filing of, necessary to issuance of license.

Examinations.

Post, p. 1080.

unless said person is duly licensed in conformity with this Act as a broker or as an agent or salaried employee of the company issuing the policy. This section shall not apply to contracts of reinsurance, and shall not apply to persons and kinds of insurance exempted under section 38 of this Act.

SEC. 32. PROCEDURE FOR OBTAINING LICENSE.—Any person hereafter desiring to engage in business in the District as a policy-writing agent, soliciting agent, broker, or salaried company employee, as defined by this Act, shall, before engaging in such business, secure from the Superintendent a license authorizing him to engage in such business. The person to whom the license may be issued shall file sworn answers to such interrogatories as the Superintendent may require on forms furnished by the Superintendent. Before the Superintendent shall issue a license to any policy-writing agent, soliciting agent, or salaried company employee, he shall require the company or policy-writing agent desiring the appointment of such person to certify—

(a) That the person to be appointed, if not a salaried company employee, is a resident of this District, or that his principal office for the conduct of such business is in or will be maintained in the District;

(b) That he is personally known to the person making the certification;

(c) That he has had experience or instructions necessary to the proper conduct of the kind or kinds of business to which the license is to extend;

(d) That he has a good business reputation, is trustworthy, and is worthy of a license.

Resident and nonresident brokers shall, as a prerequisite to the issuance of a license, file with the Superintendent a corporate surety bond in an amount not less than \$5,000 for the benefit of any person who may suffer loss resulting from fraud or dishonesty on the part of said resident or nonresident broker. Before the Superintendent shall issue a license to any policy-writing agent, soliciting agent, salaried company employee, or resident broker, he shall personally, or through his deputy or any person regularly employed in the Department, within a reasonable time, and in a designated place within the District, subject each such person to a personal written examination relating to such person's knowledge of the kind or kinds of business to which the license may extend and his competency to act as such policy-writing agent, soliciting agent, broker, or salaried company employee. The Superintendent may in his discretion limit the scope of such examination to such particular kind or kinds of business in which the person to be licensed is to be principally engaged. Following such examination the Superintendent shall issue such license as may be applied for when he is satisfied that the person to be licensed is (a) competent and trustworthy and intends to act in good faith in the capacity involved by the license applied for, and that not more than 25 per centum of his commission income from business to which the license applies will result from policies the premiums on which are paid or are to be paid in the manner set forth in paragraph (f) of section 36; and (b) that he has a good business reputation and has had experience, training, or education, or is otherwise qualified in the line or lines of business in which the license would entitle him to engage, and, except in the case of a nonresident broker or salaried company employee, is a resident of the District, or maintains his principal office for the conduct of such business in the District; and (c) is reasonably familiar with the insurance laws of the District, and with the provisions, terms, and conditions of the policies he is proposing to solicit, negotiate, or effect, and is worthy of a license. In the case of a nonresident applying for a broker's license,

the Superintendent may waive the examination requirement and accept in lieu thereof evidence that the applicant holds a license as broker or agent in the State where his principal business is conducted. The Superintendent may also waive the examination requirement in the case of any person who has been licensed in the District prior to the effective date of this Act. Licenses may be issued in the names of individuals, or in the names of firms, partnerships, or corporations, including banks, trust companies, real-estate offices, and building and loan associations: *Provided*, That on such licenses there shall be listed the name of every member or officer of such firm, partnership, or corporation who solicits insurance or who countersigns policies: *And provided further*, That such named persons shall be subject to all requirements of this Act, and that no officer or employee of such organizations other than those specifically named in such license shall be required to comply with this section, unless the duties of such officers or employees include soliciting or the countersigning of policies. No person shall be licensed as agent, broker, or salaried company employee when it appears to the Superintendent that said license is sought primarily for the purpose of obtaining commissions on policies on which he on his own account pays or is to pay the premiums, or on which the premiums are paid or are to be paid by any person who receives or is to receive any benefit, direct or indirect, from the commissions obtained, or on which the premiums are paid or are to be paid by any partnership, association, or corporation of which he is a member.

SEC. 33. EFFECTIVE DATES OF LICENSES AND PRORATION OF FEES.—All licenses issued under this Act shall date from the first of the month in which the application for license is made, and shall expire on the 30th day of April next succeeding, and payment of the fees for such licenses shall be prorated accordingly.

SEC. 34. TEMPORARY TRANSFER OF LICENSES.—In the event of the death or disability of any person licensed as a policy-writing agent, soliciting agent, or salaried company employee, the Superintendent may transfer such license to another person without the payment of an additional fee, and may renew such license: *Provided, however*, That no person shall act as policy-writing agent, soliciting agent, or salaried company employee under any transferred license or renewal thereof for a period in excess of six consecutive months.

SEC. 35. RENEWAL OF LICENSES.—Renewal of all expiring licenses shall be issued by the Superintendent upon application in writing by the applicant for any such license, subject to the conditions of section 36, and subject also to the provisions for examination as set forth in section 32, upon payment of the applicable fee prescribed in section 41.

SEC. 36. REVOCATION AND SUSPENSION OF LICENSES.—The Superintendent may revoke, suspend, or refuse to renew the license of any policy-writing agent, soliciting agent, broker, or salaried company employee when and if, after investigation, it appears conclusively to the Superintendent that any license issued to such person was obtained by fraud or misrepresentation, or that such person has—

(a) Violated any of the provisions of the insurance laws of the District; or

(b) Has failed within a reasonable time to remit to any company all moneys which he has collected, and to which the company is entitled; or

(c) Has been guilty of rebating or has misrepresented the provisions of the policies which he is selling, or the policies of other companies; or

(d) Has countersigned policies in blank; or that

(e) More than 25 per centum of his commission income from business to which the license applies results from policies the premiums on which are paid or are to be paid in the manner set forth in paragraph (f) of this section; or that

Proviso.
Names to be listed
on license.

Requirements.

Restriction.

Effective dates of
licenses and proration
of fees.

Temporary transfer
of licenses.

Proviso.
Limitation.

Renewal of licenses.

Ante, p. 1078; *post*,
p. 1081.

Revocation and sus-
pension of licenses.

(f) Said license is being used primarily for the purpose of obtaining commissions on policies on which he, on his own account, pays or is to pay the premiums, or on which the premiums are paid or are to be paid by any person who receives or is to receive any benefit, direct or indirect, from the commissions obtained, or on which the premiums are paid or are to be paid by any partnership, association, or corporation of which he is a member.

Hearing.

Before the Superintendent shall revoke or suspend the license of any such person he shall give to such person an opportunity to be fully heard, and to introduce evidence in his behalf.

Unauthorized solicitation or representation.

SEC. 37. UNAUTHORIZED SOLICITATION OR REPRESENTATION.—It shall be unlawful for any person, without conforming to the provisions of this Act, directly or indirectly to represent himself as having authority to solicit, negotiate, effect, procure, receive, or forward directly or indirectly any policy or renewal thereof, or to attempt to effect insurance, surety, or indemnity contracts covering any person or insurable interest in the District, or to countersign any policy or renewal thereof.

When license not required.

SEC. 38. WHEN LICENSE NOT REQUIRED.—The provisions of this Act relating to the licensing of policy-writing agents, soliciting agents, salaried company employees, and brokers shall not apply to the sale of personal accident insurance in the ticket offices of railroad companies or other common carriers, or in the offices of travel bureaus, nor to the business of life insurance, fraternal benefit societies, or ocean marine insurance, nor to insurance covering the property of railroad companies and other common carriers engaged in interstate commerce.

Unauthorized insurance.

SEC. 39. UNAUTHORIZED INSURANCE.—Except as provided in section 40 of this Act, no person shall act as agent in the District for any company which is not authorized to do business in the District, nor shall any person directly or indirectly negotiate for or solicit applications for policies of, or for membership in, any company which is not authorized to do business in the District. The term "company" as used in this section shall include any association, society, company, corporation, joint-stock company, individual, partnership, trustee, or receiver engaged in the business of assuming risks of insurance, surety, or indemnity, and any Lloyd's organization, assessment, or cooperative fire company, or any reciprocal or interinsurance exchange, fraternal beneficial association, order, or society, and any company, association, or society, whether organized for profit or not, conducting a business, including any of the principles or features of insurance, surety, or indemnity. Any person who violates any provision of this section upon conviction shall be fined not less than \$100 nor more than \$1,000 for each offense, or be imprisoned for not more than twelve months, or both, and any such person shall be personally liable to any resident of the District having claim against any such unauthorized company under any policy which said person has solicited or negotiated, or has aided in soliciting or negotiating: *Provided*, That the provisions of this section shall not apply to any person who negotiates with an unauthorized company for life insurance, or for policies covering his own property or interests, nor shall the provisions of this section apply to the officers, agents, or representatives of any company which is in process of organization under the laws of the District, and which is authorized temporarily to solicit or secure memberships or applications for policies for the purpose of completing such organization. Prosecutions for violations of this section shall be upon information filed in the police court by the corporation counsel or any of his assistants.

Penalty.

Proviso. Inapplicability of section.

Licenses for lines in unauthorized companies. Post, p. 1081.

SEC. 40. LICENSES FOR LINES IN UNAUTHORIZED COMPANIES.—Any agent or broker licensed in the District may, upon payment of a license fee, as provided under section 41, be licensed to procure policies from companies which are not authorized to do business in the District

where such person is, after diligent effort, unable to procure policies to cover the kind or kinds of business required from companies duly authorized to transact business in the District. Each agent or broker so licensed shall pay to the collector of taxes, through the Superintendent, on February 1 and August 1 of each year, a sum equal to 2 per centum of the amount of the gross premiums upon all kinds of policies procured by him during the immediately preceding six months' period ending December 31 and June 30, respectively, and, in default of such payment, the Superintendent, through the corporation counsel, may bring suit to recover the same. Each agent or broker so licensed to procure policies from unauthorized companies shall execute and file with the Department on or before the 10th day of each month an affidavit covering the transactions of the previous calendar month, setting forth (1) the description and location of the insured property or risk, and the name of the assured; (2) the amount insured in the policy or contract; (3) the gross premiums charged thereon; (4) the name of the company whose policy or contract is issued, and the kind or kinds of business effected; and (5) that said agent or broker after diligent effort was unable to procure the policies or contracts required to protect the property or risk described in the affidavit from companies duly authorized to transact business in the District.

Each agent or broker so licensed to procure policies from unauthorized companies shall keep a separate account of the business transacted thereunder, which shall be open at all times to the inspection of the Superintendent. The license provided for in this section may be revoked or renewal thereof refused for failure to pay the tax or to file the affidavit specified herein, or if the agent or broker procured policies from unauthorized companies without exercising diligent effort to secure the required business in duly authorized companies, or if the agent or broker procured policies from unauthorized companies whose standards of solvency and management do not meet the requirements necessary for the protection of the policyholders.

SEC. 41. LICENSE FEES.—Annual fees to be paid through the Superintendent to the collector of taxes for licenses issued under this Act shall be as follows:

(a) For policy-writing agent or for firms, partnerships, or corporations licensed as such, \$50, without regard to the number of companies represented: *Provided*, That, in the case of firms, partnerships, and corporations, an additional fee of \$5 shall be charged for each person in excess of two who is named in such license as required under section 32 of this Act.

(b) For soliciting agent, \$5 for each company represented by such soliciting agent, or for each company represented by any policy-writing agent through which such soliciting agent solicits: *Provided*, That no soliciting agent shall be required to pay for soliciting agents' licenses a sum in excess of \$15 for any one license year.

(c) For salaried company employee authorized to sign policies and to solicit insurance, \$50, without regard to the number of companies represented by such salaried company employee.

(d) For salaried company employee authorized to solicit but not authorized to sign policies, \$5 for each company represented by said employee: *Provided*, That the aggregation of such fees shall not exceed \$15 for any one license year.

(e) For nonresident or resident brokers, \$25, except that the fee shall be \$5 in case the applicant for a resident broker's license is subject also to the fee prescribed under paragraphs (a) or (c) hereof.

(f) For license to procure lines in unauthorized companies, \$15.

(g) Under the license issued to any policy-writing agent or salaried company employee, or in the name of any firm, partnership, or corporation as provided under section 32 of this Act, and for which license a fee

Payment of taxes.

Affidavit covering transactions.

Business accounts.

Revocation or refusal of renewal of license.

License fees.

Proviso.
Additional for firms, etc.

Ante, p. 1078.

Proviso.
Limitation.

Proviso.
Maximum.

Addition of names of certain persons to licenses.

Ante, p. 1078.

<p>Fee.</p> <p>Broker's licenses.</p>	<p>has been paid in accordance with paragraphs (a) or (c) hereof, there may be added names of persons who are employed in or who actively function through the District office of the policy-writing agent, salaried company employee, or firm, partnership, or corporation, and who have company authority to sign but not to solicit policies. For such persons there shall be charged a fee of \$1 per year for each company whose policies such person is authorized to sign.</p> <p>(h) Broker's licenses may be issued in the names of individuals, firms, partnerships, or corporations. In the case of firms, partnerships, or corporations, the authority to solicit shall extend only to the individuals who are designated in the license and in the application therefor as having authority to solicit, and there shall be charged for each such individual in excess of two an additional fee of \$5.</p> <p>(i) Licenses to procure lines in unauthorized companies shall be issued in the names of individuals only.</p>
<p>Testimony; production of books.</p> <p><i>Provisos.</i> No immunity for perjury. Immunity extended only to natural person.</p>	<p>SEC. 42. TESTIMONY; PRODUCTION OF BOOKS.—No person shall be excused from testifying or from producing books, accounts, and papers in any proceeding based upon or growing out of any violation of the provisions of this Act, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may have testified or produced any documentary evidence: <i>Provided</i>, That no person so testifying shall be exempted from prosecution or punishment for perjury: <i>Provided further</i>, That the immunity hereby conferred shall extend only to a natural person who, in obedience to a subpoena, gives testimony under oath or produces evidence, documentary or otherwise, under oath.</p>
<p>Penalties not otherwise prescribed.</p>	<p>SEC. 43. PENALTIES NOT OTHERWISE PRESCRIBED.—Any person who violates any of the provisions of this Act, or fails to comply with any duty imposed upon such person by any of the provisions of this Act, for which violation or failure no penalty is elsewhere provided by this Act, or by the laws of the District, shall, upon conviction thereof, be fined for each offense not exceeding \$1,000 or be imprisoned for not more than twelve months, or both. Prosecutions authorized by this section shall be upon information filed in the police court by the corporation counsel or any of his assistants.</p>
<p>Appeal from Superintendent to Commissioners.</p>	<p>SEC. 44. APPEAL FROM SUPERINTENDENT TO COMMISSIONERS.—Any person aggrieved by any action of the Superintendent may, within twenty days after such action was taken, appeal in writing from such action to the Commissioners. The hearings on said appeal may be either orally or in writing at the discretion of the Commissioners, and they shall not be required to take evidence on such appeal. The decision of the Commissioners on any question of fact on such appeal shall be final and conclusive, except the appeal provided for herein shall not affect the right to proceed under the provisions of section 45.</p>
<p>Court proceedings.</p>	<p>SEC. 45. COURT PROCEEDINGS.—Any person affected by an order, ruling, proceeding, or action of the Superintendent, or any person acting in his behalf and at his instance, may contest the validity of the same in any court of competent jurisdiction by appeal or through any other appropriate proceedings. In said proceedings and appeals said Superintendent shall not be taxed with any costs, nor shall he be required to give any supersedeas bond or security for costs or damages on any appeal whatsoever. Said Superintendent shall not be liable to suit or action or for any judgment or decree for any damages, loss, or injury claimed by any person on any appeal taken by said Superintendent in any case, nor shall said Superintendent be required in any case to make any deposit for costs or pay for any service to the clerks of any court or to any marshal of the United States.</p>

SEC. 46. **REPEALS.**—All laws or parts of laws, insofar as they relate to business affected hereby, and are in conflict with any of the provisions of this Act, are hereby repealed.

Repeals.

SEC. 47. **CONSTITUTIONALITY.**—Should any section or provision of this Act be held unconstitutional or invalid, the validity of the Act as a whole, or of any part thereof, other than the part decided to be unconstitutional or invalid, shall not be affected.

Constitutionality.

SEC. 48. **EFFECTIVE DATE OF ACT.**—Except where otherwise specifically provided herein, this Act shall become effective thirty days after approval.

Effective date of Act.

Approved, October 9, 1940.

[CHAPTER 793]

AN ACT

To amend section 355 of the Revised Statutes, as amended, to authorize the Attorney General to approve the title to low-value lands and interests in lands acquired by or on behalf of the United States subject to infirmities, and for other purposes.

October 9, 1940
[H. R. 9736]
[Public, No. 825]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 355 of the Revised Statutes of the United States, as amended, is hereby amended to read as follows:

R. S. § 355, amend-
ment,
34 U. S. C. § 520.
Ante, p. 19.

“SEC. 355. No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy yard, custom-house, lighthouse, or other public building of any kind whatever, until the written opinion of the Attorney General shall be had in favor of the validity of the title.

Lands, etc., pur-
chased by U. S. for
public buildings.
Validity of title to;
requirements.

“Notwithstanding the provisions of this or any other law, whenever the average value of any lands or interests in land to be acquired by or on behalf of the United States under a single option or contract of sale does not exceed \$10 per acre (hereinafter referred to as ‘low-value lands’), the title may be accepted subject to such infirmities as, in the opinion of the Attorney General, may, without jeopardizing the interests of the United States, be left for removal by condemnation or other appropriate proceedings, if and when necessary: *Provided*, That the total value of any lands or interests to be acquired under a single option or contract of sale subject to an infirmity does not exceed \$3,500. No public money shall hereafter be expended for the acquisition of such low-value lands or interests in land by or on behalf of the United States for any purpose until the written opinion of the Attorney General has been had approving the title subject, if expedient, to infirmities as herein provided. However, no money in excess of \$2,500 shall be expended for the construction of buildings, works, or other improvements (except roads, trails, and fire-protection improvements) on any site, tract, or parcel of land the title to which is subject to infirmities, until the written opinion of the Attorney General in favor of the validity of the title has been had as in the case of other lands. For the purpose of this Act, values of lands and interests in land shall be determined by the consideration paid or to be paid.

“Low-value lands.”
Acceptance of title
subject to infirmities.

Proviso.
Limitations.

“The Attorney General is hereby authorized to approve the title to easements or rights-of-way to be acquired by or on behalf of the United States, subject to such infirmities as, in his opinion, will not jeopardize the interests of the United States.

Easements or rights-
of-way.

“Nothing in this Act shall be construed to limit the authority now or hereafter delegated to any officer in exercising the power of eminent domain for or on behalf of the United States, to take title to or possession of or to expend money for or upon any land or interest in land,

Eminent domain.
Authority of officer
to take title, etc.

or to expend money as security for an ultimate award in advance of final judgment in any proceedings to determine just compensation; nor shall this Act be construed to preclude any acquiring agency from expending money for the erection of any preliminary and temporary structure upon any land.

Procurement of evidence of title.

"The head or other authorized officer of any department, independent establishment, or agency, shall procure any evidence of title which the Attorney General may deem necessary, and the expenses of procurement, except where otherwise authorized by law or provided by contract, may be paid out of the appropriations for the acquisition of land or out of the appropriations made for the contingencies of the acquiring department, independent establishment, or agency.

Basis of opinion as to title.

"The Attorney General may, in his discretion, base any opinion as to title required either by this Act or any other law upon either or both of the following: Certificates of title of title companies or such evidence of title as he may deem satisfactory.

Provisions of designated laws not affected.

"The foregoing provisions of this section shall not be construed to affect in any manner any existing provisions of law which are applicable to the acquisition of lands or interests in land by the Tennessee Valley Authority; and nothing in this section shall be construed to affect in any manner any authority which the Secretary of War, the Chief of Engineers, or the Secretary of the Interior have under the provisions of law in force on the date this section as amended takes effect with respect to the approval by them of title to land or interests in land acquired by the War Department or the Department of the Interior, as the case may be. Nor shall the foregoing provisions of this section, or the provisions of any other law, be construed to require any opinion of the Attorney General in connection with the acquisition or improvement of easements and rights-of-way for military or naval purposes; or for the acquisition or improvement of easements and rights-of-way by the Department of Agriculture for forest and other conservation purposes where the cost of any such easement or right-of-way acquired under a single instrument of conveyance and the cost of any improvement thereon does not exceed \$2,500; and the Attorney General may, in his discretion, waive the requirement for his opinion in connection with the acquisition or improvement of easements and rights-of-way for other purposes when, in his opinion, such waiver will not jeopardize the interests of the United States.

Waiver of requirement for opinion.

Jurisdiction over lands.

"Notwithstanding any other provision of law, the obtaining of exclusive jurisdiction in the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required; but the head or other authorized officer of any department or independent establishment or agency of the Government may, in such cases and at such times as he may deem desirable, accept or secure from the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, consent to or cession of such jurisdiction, exclusive or partial, not theretofore obtained, over any such lands or interests as he may deem desirable and indicate acceptance of such jurisdiction on behalf of the United States by filing a notice of such acceptance with the Governor of such State or in such other manner as may be prescribed by the laws of the State where such lands are situated. Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted."

Acceptance.

Approved, October 9, 1940.

[CHAPTER 794]

AN ACT

To authorize the maintenance and operation of fish hatcheries in connection with the Grand Coulee Dam project.

October 9, 1940

[H. R. 9921]

[Public, No. 826]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in connection with fish hatcheries built or to be built as a part of the fish-protection program required on the Grand Coulee Dam project, the Secretary of the Interior is authorized to contract with the State of Washington for the maintenance and operation of any of them at the expense of said State.

Approved, October 9, 1940.

Grand Coulee Dam project.
Maintenance of fish hatcheries.

[CHAPTER 795]

AN ACT

Authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge across the Wabash River at or near Mount Vernon, Posey County, Indiana.

October 9, 1940

[H. R. 9952]

[Public, No. 827]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the Indiana State Toll Bridge Commission is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Wabash River, at a point suitable to the interests of navigation, at or near Mount Vernon, Posey County, Indiana, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Wabash River.
Bridge authorized across, at Mount Vernon, Ind.

34 Stat. 84,
33 U. S. C. §§ 491-498.

SEC. 2. There is hereby conferred upon the Indiana State Toll Bridge Commission all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Right to acquire real estate, etc.

SEC. 3. The said Indiana State Toll Bridge Commission is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Toll charges.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge, the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Application of tolls to operation, sinking fund, etc.

Maintenance as free bridge after amortizing costs, etc.
Record of expenditures and receipts.

Right reserved.

SEC. 5. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, October 9, 1940.

[CHAPTER 796]

AN ACT

October 9, 1940

[S. 4353]

[Public, No. 828]

To restrict or regulate the delivery of checks drawn against funds of the United States, or any agency or instrumentality thereof, to addresses outside the United States, its Territories, and possessions, and for other purposes.

Restriction on sending certain checks, etc., for delivery in foreign countries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter no check or warrant drawn against funds of the United States, or any agency or instrumentality thereof, shall be sent from the United States (including its Territories and possessions and the Commonwealth of the Philippine Islands) for delivery in a foreign country in any case in which the Secretary of the Treasury determines that postal, transportation, or banking facilities in general, or local conditions in the country to which such check or warrant is to be delivered, are such that there is not a reasonable assurance that the payee will actually receive such check or warrant and be able to negotiate the same for full value.

Holding of undelivered checks, etc.

SEC. 2. Any check or warrant, the sending of which is prohibited under the provisions of section 1 hereof, shall be held by the drawer until the close of the calendar quarter next following its date, during which period such check or warrant may be released for delivery if the Secretary of the Treasury determines that conditions have so changed as to provide a reasonable assurance that the payee will actually receive the check or warrant and be able to negotiate it for full value. At the end of such quarter, unless the Secretary of the Treasury shall otherwise direct, the drawer shall transmit all checks and warrants withheld in accordance with the provisions of this Act to the drawee thereof, and forward a report stating fully the name and address of the payee; the date, number, and amount of the check or warrant; and the account against which it was drawn, to the Bureau of Accounts of the Treasury Department. The amounts of such undelivered checks and warrants so transmitted shall thereupon be transferred by the drawee from the account of the drawer to a special deposit account with the Treasurer of the United States entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", at which time such checks and warrants shall be marked "Paid into Withheld Foreign Check Account". Thereafter the drawee shall deliver such checks and warrants, together with other paid checks and warrants, to the Comptroller General of the United States, who shall allow credit therefor in the accounts of the drawer and the drawee.

Transmittal to drawees at end of quarter.

Report.

Transfer to special deposit account.

Veterans' Administration. Disposition of amounts of designated checks.

Deposit, etc., considered payment.

43 Stat. 626.
38 U. S. C. § 516.

In the case of checks representing payments under laws administered by the Veterans' Administration, when the amount transferred to the special deposit account on behalf of any individual payee equals \$1,000, the amounts of any further checks, except checks under contracts of insurance, payable to such payee under such laws shall be covered into the Treasury as miscellaneous receipts. The deposit in the special deposit account or the covering into the Treasury as miscellaneous receipts, pursuant to the provisions of this section, of the amount of any check issued under laws administered by the Veterans' Administration shall be considered for all purposes, including determinations of rights under section 305 of the World War Veterans' Act, 1924, as amended, as payment to the person entitled thereto.

SEC. 3. Payment of the amounts which have been deposited in the special deposit account in accordance with section 2 hereof shall be made by checks drawn against such special deposit account by the Secretary of the Treasury, only after the claimant shall have established his right to the amount of the check or warrant to the satisfaction of the Secretary of the Treasury (or, in the case of claims based upon checks representing payments under laws administered by the Veterans' Administration, to the satisfaction of the Administrator of Veterans' Affairs) and the Secretary of the Treasury has determined that there is a reasonable assurance that the claimant will actually receive such check in payment of his claim and be able to negotiate the same for full value.

Payments from special deposit account.

In the case of the death of the payee of any check in payment of pension, compensation, or emergency officers' retirement pay accruing under laws administered by the Veterans' Administration, while the amount thereof remains in the special deposit account, such amount shall, subject to the other conditions of this Act, be payable as follows: (a) Upon death of the veteran, first to the widow; if there is no widow, to his child or children under the age of eighteen at his death; (b) upon death of the widow, to her children under the age of eighteen years at her death; (c) upon the death, prior to disbursement of all or any part of the apportioned amount, of an apportionee of a part of the veteran's pension, compensation, or emergency officers' retirement pay, such apportioned amount not disbursed shall be payable to the veteran; (d) in all other cases no disbursement whatsoever of such pension, compensation, or emergency officers' retirement pay shall be made or allowed except so much as may be necessary to reimburse the person who bore the expense of burial: *Provided, however,* That no disbursement shall be made unless claim therefor be filed in the Veterans' Administration within one year from the date of the death of the person entitled and perfected by the submission of the necessary evidence within six months from the date of the request of the Veterans' Administration therefor. Such benefits shall include only amounts due and unpaid at the time of death under then existing ratings or decisions.

Death of payee.
Payment of amount of pension, etc.

Provided.
Filing of claim, etc.

SEC. 4. The provisions of sections 2 and 3 hereof shall apply to all checks or warrants the delivery of which is now being, or may hereafter be, withheld pursuant to Executive Order Numbered 8389 of April 10, 1940, as amended, as well as to all checks or warrants the delivery of which is now being withheld pursuant to administrative action, which administrative action is hereby ratified and confirmed: *Provided,* That any check or warrant the delivery of which has already been withheld for more than one quarter prior to the enactment of this Act shall be immediately delivered to the drawee thereof for disposition in accordance with the provisions of sections 2 and 3 hereof: *Provided further,* That nothing in this Act shall be construed to dispense with the necessity of obtaining a license to authorize the delivery and payment of checks in payment of claims under section 3 hereof in those cases where a license is now or hereafter may be required by law to authorize such delivery and payment.

Applicability of designated provisions.

Provided.
Checks withheld.

Licenses.

SEC. 5. The Secretary of the Treasury is hereby authorized to prescribe such rules and regulations as he in his discretion may deem necessary or proper for the administration and execution of this Act.

Rules and regulations.

SEC. 6. Nothing contained in this Act shall be construed as affecting or applying to checks or warrants issued in payment of salaries or wages or for goods purchased by the Government of the United States in foreign countries.

Salary checks, etc., not affected.

Approved, October 9, 1940.

[CHAPTER 797]

JOINT RESOLUTION

October 9, 1940
[S. J. Res. 267]
[Pub. Res., No. 102]

Railroad Retirement Board.
Preamble.
50 Stat. 307; 49 Stat. 967.
45 U. S. C., Supp. V, §§ 215-228r.

Providing for the acquisition by the Railroad Retirement Board of data needed in carrying out the provisions of the Railroad Retirement Acts.

Whereas complete records of all service and compensation which may be creditable toward benefits under the provisions of the Railroad Retirement Act of 1937 and the Railroad Retirement Act of 1935 are required for the administration of said Acts; and

Whereas such records with respect to service prior to January 1, 1937, are largely in the possession of employers subject to said Acts and are constantly subject to the danger of loss or destruction; and

Whereas the loss or destruction of such records would jeopardize the establishment of the rights of individuals to annuities based in whole or in part on such prior service and would otherwise severely and permanently impede and impair the administration of said Acts, and the danger of loss or destruction presents a serious emergency; and

Whereas the prompt transcription, compilation, and filing with the Railroad Retirement Board of such records will remove the data contained therein from the danger of their loss or destruction and will make them expeditiously and permanently available for necessary operations of the Railroad Retirement Board and will result in a more efficient and economical administration of the said Acts: Therefore be it

Collection, etc., by employers, of designated data for Board.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each employer subject to the Railroad Retirement Act of 1937, and each other company, association, or person (hereinafter referred to as the "other company") who is in possession of such data as are hereinafter described, shall immediately begin collecting and shall furnish currently as completed and not later than June 30, 1943, shall have completed furnishing to the Railroad Retirement Board (hereinafter called "the Board") in such form as the Board may prescribe, certified reports of all data with respect to service and compensation prior to January 1, 1937, corresponding in substance with that which has heretofore been required by the Board for the adjudication of claims for annuities under the Railroad Retirement Act of 1937 and the Railroad Retirement Act of 1935 and which can be obtained from records in the possession of such employer or other company.

Form.

Establishment of uniform rate of payment.

SEC. 2. The Board is hereby authorized and directed to establish a uniform reasonable rate of payment to which employers or other companies are entitled for the furnishing of the reports required by section 1 of this joint resolution to be furnished which rate shall not result in payment to any employer or other company of any amount in excess of 50 cents multiplied by the aggregate number of man-years of service established and verified by such employer or other company and reported to the Board in accordance with section 1 of this joint resolution. The Board shall, from time to time, determine, and certify on proper voucher to the Secretary of the Treasury, the amount of payment due to each employer or other company pursuant to this section: *Provided, however,* That no payment shall be certified or made with respect to any item in such reports as concerns the record of employees sixty-five years of age or over who have filed application for annuity, or with respect to any report not furnished on or before June 30, 1943. Upon such certification, the Secretary of the Treasury shall pay such amount to such employer or other company from the special fund hereinafter established. Whenever any employer or other company furnishes through any other employer or other company any report required by the first section of this

Certification of amounts due employers.

Proviso.
Certification forbidden in certain cases.

Payment.

joint resolution to be furnished, the Board may certify the payment to be made to the employer or other company through whom such report is furnished, and payment in accordance with such certification shall discharge all obligations arising hereunder with respect to such report.

SEC. 3. If any employer or other company fails to exercise due care and diligence in carrying out its duties under this joint resolution, the Board, by its employees, may transcribe the necessary data from records in the possession of such employer or other company, which records shall be made available as the Board may require, and no payment shall be due to any employer or other company for or on account of any records transcribed by employees of the Board.

SEC. 4. Reports, records, and data acquired by the Board pursuant to this joint resolution shall be so assembled and processed by the Board as to provide as nearly as practicable a complete record, by individuals, of all service and compensation prior to January 1, 1937, creditable under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935. The Board shall take steps reasonably calculated to give notice of such record to each individual with respect to whom such record is established. Direct communication, transmission to employers for delivery, public advertisement, or such other means as the Board may determine, shall constitute due notice to all such individuals: *Provided, however*, That, unless the Board's records show that actual notice was received through other means by an individual for whom the Board has an address on file and such notice is evidenced by a receipt signed by such individual, notice to such individual shall include the mailing of notice to the last address on file with the Board. Whenever the Board shall determine that reasonable notice has been given it shall so find and shall enter such finding upon its records. Such finding may be made with respect to all individuals or, from time to time, with respect to described classes of individuals. Any record established as herein above provided, which is not contested within two years after the finding of reasonable notice hereinabove provided for has been entered upon the records of the Board, shall be presumed to include all service rendered and compensation earned prior to January 1, 1937, by the individual to whom such record relates, and, unless shown by new and manifestly convincing evidence to be clearly erroneous, shall be conclusive: *Provided, however*, That such record shall in no wise restrict the authority of the Board to determine, upon the filing of an application for an annuity, that some or all of the service or compensation so recorded is not service or compensation as said terms are defined in the Railroad Retirement Acts or that under the provisions of the applicable Railroad Retirement Act some or all of the service or compensation so recorded is not to be used in the computation of an annuity. The Board may also take steps, through publication or otherwise, reasonably calculated to give notice of the carrying out of this joint resolution, to individuals with respect to whom no record of service or compensation is established. Whenever the Board shall determine that such steps have been taken it shall so find and shall enter such findings upon its records. With respect to each individual who does not, within two years after such finding has been entered upon the records of the Board, request the establishment of a record of his service and compensation, the fact that no such record is established shall be presumed to show that such individual, prior to January 1, 1937, rendered no service and earned no compensation as said terms are defined in the applicable Railroad Retirement Act, and such presumption shall be rebuttable only by new and manifestly convincing evidence showing it to be clearly erroneous.

Transcription of data by Board.

Assembly and processing of reports, etc.

50 Stat. 307; 49 Stat. 967.
45 U. S. C., Supp. V, §§ 215-228r.
Notice to individuals.

Provisos.
Mailing of notice to last address.

Finding of reasonable notice.

Uncontested records conclusive as to designated services, etc.

Board's authority to determine services, etc., not restricted.

Notice by publication.

Presumption of non-service, etc.

Orders, rules, etc.

SEC. 5. The Board is hereby authorized to promulgate such orders, rules, and regulations as in its judgment are necessary or proper to carry out the purposes of this joint resolution. All powers and remedies including legal processes available to the Board under the Railroad Retirement Act of 1937 for the administration of said Act shall be similarly available to the Board for the carrying out of this joint resolution.

Special fund.

SEC. 6. In order to carry out the purposes of this joint resolution, there shall be set aside on July 1, 1940, in a special fund \$9,000,000 of the amount appropriated to the Railroad Retirement Account by the Railroad Retirement Board Appropriation Act, 1941, such fund to remain available until June 30, 1943, for expenditure in accordance with the provisions of section 2 of this joint resolution. Any unobligated balance on June 30, 1943, in the special fund hereby established shall revert to the Railroad Retirement Account.

Ante, p. 597.

Designated authority, etc., of Board not impaired.

49 Stat. 967; 50 Stat. 307; 52 Stat. 1094.
45 U. S. C., Supp. V, §§ 215-228r, 351-367.

SEC. 7. No provision of this joint resolution shall be construed in any manner to limit or impair any authority, power, or discretion conferred upon or vested in the Board by the Railroad Retirement Act of 1935, the Railroad Retirement Act of 1937, or the Railroad Unemployment Insurance Act.

Approved, October 9, 1940.

[CHAPTER 798]

JOINT RESOLUTION

October 9, 1940
[H. J. Res. 467]
[Pub. Res., No. 103]

To exempt from the tax on admissions amounts paid for admission tickets sold by authority of the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1941.

Inaugural admission tickets.
Payments for, tax free.

53 Stat. 189.
26 U. S. C., Supp. V, § 1700.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all amounts paid for admission tickets sold by authority of the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1941, said committee to be appointed with the approval of the President-elect, shall be exempt from the tax on admissions imposed by section 1700 of the Internal Revenue Code, as amended, all the net proceeds from the sale of said tickets to be donated by the said committee to charity.

Approved, October 9, 1940.

[CHAPTER 836]

AN ACT

October 10, 1940
[H. R. 10339]
[Public, No. 829]

To authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes.

National defense.
Requisition, etc., of certain articles and materials.

Ante, p. 714.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the President determines that it is necessary in the interest of national defense to requisition and take over for the use or operation by the United States or in its interest any military or naval equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, ordered, manufactured, procured, or possessed for export purposes, the exportation of which has been denied in accordance with the provisions of section 6 of the Act approved July 2, 1940 (Public, Numbered 703, Seventy-sixth Congress), he is hereby authorized and empowered to requisition and take over for the said use or operation by the United States, or in its interest, any of the foregoing articles or materials, and to sell or otherwise dispose of any such articles or

materials, or any portion thereof, to a person or a corporation of the United States whenever he shall determine such action to be in the public interest. Any moneys received by the United States as the proceeds of any such sale or other disposition of any such articles or materials or any portion thereof shall be deposited to the credit of that appropriation out of which was paid the cost to the Government of the property thus sold or disposed of, and the same shall immediately become available for the purposes named in the original appropriation: *Provided, however,* That nothing in this section shall modify or repeal section 14 of Public Law Numbered 671, 76th Congress, approved June 28, 1940.

SEC. 2. Whenever the President shall requisition and take over any article or material pursuant to the provisions of this Act, the owner thereof shall be paid as compensation therefor such sum as the President shall determine to be fair and just. If any such owner is unwilling to accept, as full and complete compensation for such article or material, the sum so determined by the President, such owner shall be paid 50 per centum of the sum so determined by the President and shall be entitled to sue the United States for such additional sum as, when added to the sum already received by such owner, such owner may consider fair and just compensation for such article or material, in the manner provided by sections 41 (20) and 250, title 28, of the Code of Laws of the United States of America: *Provided,* That recovery shall be confined to the fair market value of such article or material, without any allowance for prospective profits, punitive or other damages.

SEC. 3. The authority granted in this Act shall terminate June 30, 1942, unless the Congress shall otherwise provide.

Approved, October 10, 1940.

Use of proceeds of sales.

Proriso.
Ante, p. 681.

Payment for property taken.

Settlement of differences.

28 U. S. C. §§ 41 (20), 250.
Proriso.
Limitation.

Termination of authority.

[CHAPTER 837]

AN ACT

To amend the Act entitled "An Act to provide better facilities for the enforcement of the customs and immigration laws", approved June 26, 1930.

October 10, 1940
[S. 3778]
[Public, No. 830]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide better facilities for the enforcement of the customs and immigration laws", approved June 26, 1930 (U. S. C., 1934 edition, title 19, sec. 68), is hereby amended to read as follows:

"That to aid in the enforcement of the customs and immigration laws along the Canadian and Mexican borders and to provide better facilities for such enforcement at points along such borders at which no Federal or other buildings adapted or suitably located for the purpose are available, the Secretary of the Treasury and the Attorney General are hereby authorized to expend, from the funds appropriated for the general maintenance and operation of the Customs and the Immigration and Naturalization Services, respectively, the necessary amounts for the acquisition of land and the erection of buildings, sheds, and office quarters, including living quarters for officers where none are otherwise available: *Provided,* That the total amount which may be so expended for any one project, for the use of one department, including the cost of the site, shall not exceed \$5,000, and that where quarters are so erected or facilities so provided for the joint use of the Customs and the Immigration and Naturalization Services the combined cost charged to the two appropriations concerned shall not exceed \$10,000 for any one project, including the site.

Customs and immigration laws.

46 Stat. 817.

Facilities for enforcement along Canadian and Mexican borders.

Lands and improvements.

Proriso.
Cost limitation for any one project.

Protective gates
across international
highways, etc.

"SEC. 2. The Secretary of the Treasury is authorized to expend, from the funds appropriated for the general maintenance and operation of the Customs Service, such amounts as may be necessary for the erection of protective gates across international highways and roads crossing the Canadian and Mexican borders and for the erection of such fences in the immediate vicinity of such highways and roads as may be necessary to prevent unlawful entry or smuggling."

Approved, October 10, 1940.

[CHAPTER 838]

AN ACT

October 10, 1940
[S. 4341]

[Public, No. 831]

To expedite national defense by suspending, during the national emergency, provisions of law that prohibit more than eight hours' labor in any one day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes.

Maritime Commis-
sion contracts.
Eight-hour day pro-
visions suspended for
persons engaged on.

Proviso.
Pay rates.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That until otherwise provided by law, provisions of law prohibiting more than eight hours' labor in any one day of persons engaged upon work covered by United States Maritime Commission contracts for the construction, alteration, or repair of vessels shall be suspended: *Provided,* That the wages of every laborer and mechanic employed by any contractor or subcontractor engaged in the performance of any such contract shall be computed on a basic rate of eight hours per day and forty hours per week and work in excess of eight hours per day or forty hours per week shall be permitted upon compensation for all hours worked in excess of eight hours per day or forty hours per week at not less than one and one-half times the basic rate of pay.

Modification of exist-
ing contracts.

SEC. 2. The United States Maritime Commission is hereby authorized to modify its existing contracts for the construction, alteration, or repair of vessels as it may deem necessary to expedite national defense, and to otherwise effectuate the purposes of this Act.

Contracts more
favorable to labor not
affected.

SEC. 3. Nothing in this Act shall be construed to modify any contracts between management and labor in shipyards which provide for conditions more favorable to labor than the minimum provisions as to hours per day and hours per week and for overtime provided in this Act.

Duration of Act.

SEC. 4. The provisions of this Act shall terminate June 30, 1942, unless the Congress shall otherwise provide.

Approved, October 10, 1940.

[CHAPTER 839]

JOINT RESOLUTION

October 10, 1940
[S. J. Res. 225]

[Pub. Res., No. 104]

Relating to the conditions for payment with respect to sugarcane harvested from certain plantings in the mainland cane-sugar area.

Sugar Act of 1937.
50 Stat. 903.
7 U. S. C., Supp. V,
ch. 34.
Payments with re-
spect to 1940 crop.

Limitations.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That no payment under the Sugar Act of 1937 with respect to the 1940 crop shall be withheld from any producer in the mainland cane-sugar area, because of the marketing (or processing) of sugarcane in excess of the proportionate share for the farm, if the acreage of sugarcane grown on the farm and marketed (or processed) for sugar in the crop year 1940 is not in excess of the acreage of sugarcane for sugar planted prior to January 1, 1940, but payments shall be made only with respect to the proportionate share acreage established for the farm under the provisions of such Act, and the following deductions shall be made from such payments, on account of any acreage of sugarcane grown on the farm and marketed (or processed) for sugar in

the crop year 1940 which is in excess of (1) 110 per centum of the proportionate share for the farm, or (2) the proportionate share for the farm plus twenty-five acres, whichever is the greater; for so much of such excess as does not exceed five hundred acres, a deduction of \$10 per acre; for so much of such excess as exceeds five hundred acres, a deduction of \$20 per acre: *Provided*, That the foregoing provision shall be effective only if the Secretary determines that the actual production from the 1940 crop acreage shall not exceed the estimated production of the 1940 proportionate share acreage of five hundred and five thousand tons.

Proviso.
Basis of computation.

SEC. 2. The last clause of section 201 of the Act approved September 1, 1937, is amended to read as follows: "and in order that the regulation of commerce provided by this Act shall not result in excessive prices to consumers, the Secretary shall make such additional allowances as he may deem necessary in the amount of sugar determined to be needed to meet the requirements of consumers, so that the supply of sugar made available to consumers shall not result in average prices to consumers in excess of those necessary to maintain the domestic sugar industry as a whole. The amount of such additional allowances shall not be less than the amount required, after allowance for normal carry-over, to give consumers in the continental United States a per capita consumption equal to the average of the two-year period 1937-38".

Sugar Act of 1937,
amendment.
50 Stat. 904.
7 U. S. C., Supp. V,
§ 1111.
Additional allowances.

Amount.

Approved, October 10, 1940.

[CHAPTER 840]

JOINT RESOLUTION

Authorizing the participation of the United States in the celebration of a Pan American Aviation Day, to be observed on December 17, of each year, the anniversary of the first successful flight of a heavier-than-air machine.

October 10, 1940
[S. J. Res. 295]
[Pub. Res., No. 105]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized to designate December 17 of each year as Pan American Aviation Day and to issue a proclamation calling upon all officials of the Government, Governors of the forty-eight States, our possessions, and all citizens to participate in the observance of this day to further and stimulate interest in aviation in the American countries as an important stimulus to the further development of more rapid communications and a cultural development between the nations of the Western Hemisphere.

Pan American
Aviation Day.

Approved, October 10, 1940.

[CHAPTER 841]

AN ACT

To simplify the accounts of the Treasurer of the United States, and for other purposes.

October 10, 1940
[S. 844]
[Public, No. 832]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the reimbursement to the Treasury from funds derived from assessments made pursuant to section 8 of the Act of July 12, 1882, 22 Stat. 164, as amended (U. S. C., title 12, sec. 177), of all costs lawfully charged thereto for the fiscal year ending June 30, 1941, the balance of such funds shall be covered into the Treasury as miscellaneous receipts; and thereafter the cost of transporting and redeeming such outstanding national bank notes and Federal Reserve bank notes as may be presented to the Treasurer of the United States for redemption shall be paid from the regular annual appropriations for the Treasury Department.

Treasurer of U. S.
Simplification of accounts of.

Approved, October 10, 1940.

[CHAPTER 842]

AN ACT

October 10, 1940
[S. 3920]
[Public, No. 833]

To amend the Railroad Unemployment Insurance Act, approved June 25, 1938, as amended June 20, 1939, and for other purposes.

Railroad Unemployment Insurance Act, amendments, 52 Stat. 1094; 53 Stat. 845.
45 U. S. C., Supp. V, ch. 11.
Effective dates.
Benefit periods.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this Act shall take effect on November 1, 1940, except that sections 2, 11, 25, 26, and 27 shall be effective as of July 1, 1940, and sections 19 and 20 shall become effective upon the approval of this Act: *Provided, however,* That—

(a) A half-month which has begun prior to November 1, 1940, in accordance with the Railroad Unemployment Insurance Act and regulations thereunder, and which includes such date, shall continue, and benefits with respect thereto shall be computed and paid as if this Act had not been enacted;

Termination.

(b) All benefit years current on October 31, 1940, shall terminate (1) on October 31, 1940, or (2) on the last day of a half-month which includes October 31, 1940 and November 1, 1940, whichever is later, and, for the purposes of section 2 (c) of the Railroad Unemployment Insurance Act, as amended by this Act, all benefits paid for unemployment in half-months begun subsequent to June 30, 1940, and prior to November 1, 1940, shall be deemed to have been paid for unemployment within the benefit year ending June 30, 1941;

52 Stat. 1097.
45 U. S. C., Supp. V, § 352 (c).

First registration period beginning after Oct. 31, 1940.

(c) Benefits for unemployment in the first registration period, beginning after October 31, 1940, of an employee who has, subsequent to June 30, 1940, completed a waiting period under section 3 (b) of the Railroad Unemployment Insurance Act, shall be determined and computed as though such registration period were a subsequent registration period in the same benefit year.

52 Stat. 1097.
45 U. S. C., Supp. V, § 353 (b).

52 Stat. 1095.
45 U. S. C., Supp. V, § 351 (g).

Exclusion of local lodge and representation service.

SEC. 2. Subsection (g) of section 1 of the Railroad Unemployment Insurance Act, approved June 25, 1938 (52 Stat. 1094), as amended June 20, 1939 (53 Stat. 845), is hereby amended by adding thereto the following sentence: "For the purposes of determining eligibility for and the amount of benefits and the amount of contributions due pursuant to this Act, employment after June 30, 1940 in the service of a local lodge or division of a railway-labor-organization employer or as an employee representative shall be disregarded."

52 Stat. 1095.
45 U. S. C., Supp. V, § 351 (h).
"Registration period."

SEC. 3. Subsection (h) of section 1 of said Act is hereby amended to read as follows:

(h) The term "registration period" means, with respect to any employee, the period which begins with the first day for which such employee registers at an employment office in accordance with such regulations as the Board may prescribe, and ends with whichever is the earlier of (i) the thirteenth day thereafter, or (ii) the day immediately preceding the day for which he next registers at a different employment office; and thereafter each period which begins with the first day for which he next registers at an employment office after the end of his last preceding registration period and ends with whichever is the earlier of (i) the thirteenth day thereafter, or (ii) the day immediately preceding the day for which he next registers at a different employment office.

52 Stat. 1095.
45 U. S. C., Supp. V, § 351 (j).
"Remuneration."

SEC. 4. Subsection (j) of section 1 of said Act is hereby amended by inserting between the first and second sentences thereof the following: "The term 'remuneration' includes also earned income other than for services for hire if the accrual thereof in whole or in part is ascertainable with respect to a particular day or particular days."

52 Stat. 1095.
45 U. S. C., Supp. V, § 351 (k).

SEC. 5. Subsection (k) of section 1 of said Act is hereby amended to read as follows:

“(k) Subject to the provisions of section 4 of this Act, a day of unemployment, with respect to any employee, means a calendar day on which he is able to work and is available for work and with respect to which (i) no remuneration is payable or accrues to him, and (ii) he has, in accordance with such regulations as the Board may prescribe, registered at an employment office: *Provided, however,* That ‘subsidiary remuneration’, as hereinafter defined in this subsection, shall not be considered remuneration for the purpose of this subsection except with respect to an employee whose base-year compensation, exclusive of earnings from the position or occupation in which he earned such subsidiary remuneration, is less than \$150: *Provided further,* That remuneration for a working day which includes a part of each of two consecutive calendar days shall be deemed to have been earned on the second of such two days, and any individual who takes work for such working day shall not by reason thereof be deemed not available for work on the first of such calendar days.

“For the purpose of this subsection, the term ‘subsidiary remuneration’ means, with respect to any employee, remuneration not in excess of an average of one dollar a day for the period with respect to which such remuneration is payable or accrues, if the work from which the remuneration is derived (i) requires substantially less than full time as determined by generally prevailing standards, and (ii) is susceptible of performance at such times and under such circumstances as not to be inconsistent with the holding of normal full-time employment in another occupation.”

SEC. 6. Subsection (m) of section 1 of said Act is hereby amended by striking out the designation “(m)” and substituting “(l)” therefor.

SEC. 7. Subsection (n) of section 1 of said Act is hereby amended to read as follows:

“(m) The term ‘benefit year’ means the twelve-month period beginning July 1 of any year and ending June 30 of the next year, except that a registration period beginning in June and ending in July shall be deemed to be in the benefit year ending in such month of June.”

SEC. 8. Subsection (l) of section 1 of said Act is hereby transferred to follow the subsection relettered as “(m)”, and is amended to read as follows:

“(n) The term ‘base year’ means the completed calendar year immediately preceding the beginning of the benefit year.”

SEC. 9. Subsection (a) of section 2 of said Act is hereby amended to read as follows:

“(a) Benefits shall be payable to any qualified employee (as defined in section 3 of this Act) (i) for each day of unemployment in excess of seven during the first registration period, within a benefit year, in which he has seven or more days of unemployment, and (ii) for each day of unemployment in excess of four during any subsequent registration period beginning in the same benefit year.

“The benefits payable to any such employee for each such day of unemployment shall be the amount appearing in the following table in column II on the line on which, in column I, appears the compensation range containing the total amount of compensation payable to him with respect to employment in his base year:

“Column I Total compensation	Column II Daily benefit rate
\$150 to \$199.99	\$1.75
\$200 to \$474.99	2.00
\$475 to \$749.99	2.25
\$750 to \$999.99	2.50
\$1,000 to \$1,299.99	3.00
\$1,300 to \$1,599.99	3.50
\$1,600 and over	4.00”

Day of unemployment.
52 Stat. 1098.
45 U. S. C., Supp.
V, § 354.

Provisos.
“Subsidiary remuneration.”

Working day which includes part of each of 2 consecutive calendar days.

“Subsidiary remuneration” defined.

52 Stat. 1096.
45 U. S. C., Supp.
V, § 351 (m).

52 Stat. 1096.
45 U. S. C., Supp.
V, § 351 (n).

“Benefit year” defined; exception.

52 Stat. 1096.
45 U. S. C., Supp.
V, § 351 (l).

“Base year” defined.

52 Stat. 1096.
45 U. S. C., Supp.
V, § 352 (a).

Benefits payable to qualified employees.

Amount for each day of unemployment.

52 Stat. 1097.
45 U. S. C., Supp.
V, § 352 (c).
Maximum number
of days.

SEC. 10. Subsection (c) of section 2 of said Act is hereby amended to read as follows:

"(c) The maximum number of days of unemployment within a benefit year for which benefits may be paid to an employee shall be one hundred."

52 Stat. 1097; 53
Stat. 845.
45 U. S. C., Supp.
V, § 352 (d).
Adjustment of er-
roneous payments.

SEC. 11. Subsection (d) of section 2 of said Act is hereby amended to read as follows:

"(d) If the Board finds that at any time more than the correct amount of benefits has been paid to any individual under this Act or a payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940), recovery by adjustments in subsequent payments to which such individual is entitled under this Act or any other Act administered by the Board may, except as otherwise provided in this subsection, be made under regulations prescribed by the Board. If such individual dies before recovery is completed, recovery may be made by set-off or adjustments, under regulations prescribed by the Board, in subsequent payments due, under this Act or any other Act administered by the Board, to the estate, designee, next of kin, legal representative, or surviving spouse of such individual, with respect to the employment of such individual.

"Adjustments under this subsection may be made either by deductions from subsequent payments or, with respect to payments which are to be made during a lifetime or lifetimes, by subtracting the total amount of benefits paid in excess of the proper amount from the actuarial value, as determined by the Board, of such payments to be made during a lifetime or lifetimes and recertifying such payments on the basis of the reduced actuarial value. In the latter case, recovery shall be deemed to have been completed upon such recertification.

No recovery for
overpayments, etc.

"There shall be no recovery in any case in which more than the correct amount of benefits has been paid to an individual or payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940) who, in the judgment of the Board, is without fault when, in the judgment of the Board, recovery would be contrary to the purpose of this Act or would be against equity or good conscience.

Protection against
liability.

"No certifying or disbursing officer shall be held liable for any amount certified or paid by him in good faith to any person where the recovery of such amount is waived under the third paragraph of this subsection or has been begun but cannot be completed under the first paragraph of this subsection."

52 Stat. 1097; 53 Stat.
845.
45 U. S. C., Supp.
V, § 352 (f).

Payment of benefits
during period when
remuneration was
payable.

SEC. 12. Subsection (f) of section 2 of said Act is hereby amended to read as follows:

"(f) If (i) benefits are paid to any employee with respect to unemployment in any registration period, and it is later determined that remuneration is payable to such employee with respect to any period which includes days in such registration period which had been determined to be days of unemployment, and (ii) the person or company from which such remuneration is payable has, before payment thereof, notice of the payment of benefits upon the basis of days of unemployment included in such period, the remuneration so payable shall not be reduced by reason of such benefits but the remuneration so payable, to the extent to which benefits were paid upon the basis of days which had been determined to be days of unemployment and which are included in the period for which such remuneration is payable, shall be held to be a special fund in trust for the Board. The amount of such special fund shall be paid to the Board and in the collection thereof the Board shall have the same authority, and the same penalties shall apply, as are provided in section 8 of this Act with respect to contributions. The proceeds of such special fund shall be credited

Holding of such re-
muneration in trust
fund for Board.

Collection of fund;
penalties applicable.

52 Stat. 1102.
45 U. S. C., Supp.
V, § 358.

to the account. Such benefits, to the extent that they are represented in such a special fund which has been collected by the Board, shall be disregarded for the purposes of subsection (c) of this section."

SEC. 13. Section 3 of said Act is hereby amended to read as follows:

52 Stat. 1067.
45 U. S. C., Supp.
V, § 353.

"QUALIFYING CONDITION

"SEC. 3. An employee shall be a 'qualified employee' if the Board finds that there was payable to him compensation of not less than \$150 with respect to the base year."

"Qualified employee" defined.

SEC. 14. Paragraph (ii) of subsection (a) of section 4 of said Act is hereby amended to read as follows:

53 Stat. 846.
45 U. S. C., Supp.
V, § 354 (a) (ii).

"(ii) any of the thirty days beginning with the day with respect to which the Board finds that he failed, without good cause, to accept suitable work available on such day and offered to him, or to comply with instructions from the Board requiring him to apply for suitable work or to report, in person or by mail as the Board may require, to an employment office;"

Failure, without good cause, to accept suitable work, etc.

SEC. 15. Paragraph (iv) of subsection (a) of section 4 of said Act is hereby amended to read as follows:

53 Stat. 846.
45 U. S. C., Supp.
V, § 354 (a) (iv).

"(iv) any of the seventy-five days beginning with the first day of any registration period with respect to which the Board finds that he knowingly made or aided in making or caused to be made any false or fraudulent statement or claim for the purpose of causing benefits to be paid;"

False or fraudulent statements.

SEC. 16. Paragraph (v) of subsection (a) of section 4 of said Act is hereby amended to read as follows:

53 Stat. 846.
45 U. S. C., Supp.
V, § 354 (a) (v).

"(v) any day in any period with respect to which the Board finds that he is receiving or has received annuity payments or pensions under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, or insurance benefits under title II of the Social Security Act, or payments for similar purposes under any other Act of Congress, or unemployment benefits under an unemployment compensation law of any State or of the United States other than this Act: *Provided*, That if an employee receives or is held entitled to receive any such payment, other than unemployment benefits, with respect to any period which includes days of unemployment in a registration period, after benefits under this Act for such registration period have been paid, the amount by which such benefits under this Act were increased by including such days as days of unemployment shall be recoverable by the Board: *And provided further*, That if that part of any such payment or payments, other than unemployment benefits, which is apportionable to such days of unemployment is less in amount than the benefits under this Act which, but for this paragraph, would be payable and not recoverable with respect to such days of unemployment, the preceding provisions of this paragraph shall not apply but such benefits under this Act for such days of unemployment shall be diminished or recoverable in the amount of such part of such other payment or payments;"

Receipt of benefits under designated laws.

49 Stat. 967; 50 Stat. 307.
45 U. S. C., Supp.
V, ch. 9.
49 Stat. 622.
42 U. S. C., Supp.
V, §§ 401-410a.

Provisos.
Recovery of certain other payments.

Inapplicability of certain provisions.

SEC. 17. Paragraph (vi) of subsection (a) of section 4 of said Act is hereby amended to read as follows:

53 Stat. 846.
45 U. S. C., Supp.
V, § 354 (a) (vi).

"(vi) any day in any registration period with respect to which period the Board finds that he earned, in train and engine service, yard service, dining-car service, sleeping-car service, parlor-car service, or other Pullman-car or similar service, or express service on trains, at least the equivalent of twenty times his daily benefit rate;"

Day when 20 times daily benefit rate earned.

53 Stat. 846,
45 U. S. C., Supp.
V, § 354 (a).
Day when 40 times
daily benefit rate
earned.

Sundays, holidays,
etc.

Proviso.
When consecutive
days.

52 Stat. 1100.
45 U. S. C., Supp.
V, § 355 (c).
Hearings.

52 Stat. 1100.
45 U. S. C., Supp.
V, § 355 (c).
Review of certain
denied claims.

Awards at less than
proper rate.

Notification.

Hearing.

Regulations govern-
ing appeals.

Right of recovery of
certain benefit pay-
ments.

Notification.

SEC. 18. Subsection (a) of section 4 of said Act is hereby further amended by adding thereto the following paragraphs:

"(vii) any day in any registration period comprising the last fourteen days of a period of twenty-eight days with respect to which period of twenty-eight days the Board finds that he earned, in train and engine service, yard service, dining-car service, sleeping-car service, parlor-car service or other Pullman-car or similar service, or express service on trains, at least the equivalent of forty times his daily benefit rate;

"(viii) any day which is a Sunday or which the Board finds is generally observed as a holiday in the locality in which he registered for such day, unless such day was immediately preceded by a day of unemployment and immediately followed by a day of unemployment or was the last day in a registration period and was immediately preceded by a day of unemployment: *Provided*, That if two or more consecutive days are a Sunday and one or more holidays, then with respect to any employee such consecutive days shall not be considered as days of unemployment unless they were immediately preceded by a day of unemployment and immediately followed by a day of unemployment or the last of such days was the last day of a registration period and such days were immediately preceded by a day of unemployment."

SEC. 19. The first sentence of subsection (c) of section 5 of said Act is hereby amended to read as follows: "Each qualified employee whose claim for benefits has been denied in whole or in part upon an initial determination with respect thereto upon a basis other than one which is reviewable pursuant to one of the succeeding paragraphs of this subsection, shall be granted an opportunity for a fair hearing thereon before a district board."

SEC. 20. Subsection (c) of section 5 of said Act is hereby further amended by adding thereto the following paragraphs:

"Any claimant whose claim for benefits has been denied in an initial determination with respect thereto upon the basis of his not being a qualified employee, and any claimant who contends that under an initial determination of his claim he has been awarded benefits at less than the proper rate, may appeal to the Board for the review of such determination. Thereupon the Board shall review the determination and for such review may designate one of its officers or employees to receive evidence and to report to the Board thereon together with recommendations. In any such case the Board or the person so designated shall, by publication or otherwise, notify all parties properly interested of their right to participate in the proceeding and, if a hearing is to be held, of the time and place of the hearing. At the request of any party properly interested the Board shall provide for a hearing, and may provide for a hearing on its own motion. The Board shall prescribe regulations governing the appeals provided for in this paragraph and for decisions upon such appeal.

"In any case in which benefits are awarded to a claimant in whole or in part upon the basis of pay earned in the service of a person or company found by the Board to be an employer as defined in this Act but which does not comply with the provisions of this Act and denies that it is such an employer, such benefits awarded on such basis shall be paid to such claimant subject to a right of recovery of such benefits. The Board shall thereupon designate one of its officers or employees to receive evidence and to report to the Board on whether such benefits should be repaid. In any such case the Board or the person so designated shall, by publication or otherwise, notify all parties properly interested of their right to participate in the proceeding and, if a hearing is to be held, of the time and place of the

hearing. At the request of any party properly interested the Board shall provide for a hearing, and may provide for a hearing on its own motion. The Board shall prescribe regulations governing the proceedings provided for in this paragraph and for decisions upon such proceedings.

"Final decision of the Board in the cases provided for in the preceding two paragraphs shall be communicated to the claimant and to the other interested parties within fifteen days after it is made. Any properly interested party notified, as hereinabove provided, of his right to participate in the proceedings may obtain a review of any such decision by which he claims to be aggrieved or the determination of any issue therein in the manner provided in subsection (f) of this section with respect to the review of the Board's decisions upon claims for benefits and subject to all provisions of law applicable to the review of such decisions. Subject only to such review, the decision of the Board upon all issues determined in such decision shall be final and conclusive for all purposes and shall conclusively establish all rights and obligations, arising under this Act, of every party notified as hereinabove provided of his right to participate in the proceedings."

SEC. 21. Section 6 of said Act is hereby amended to read as follows:

"SEC. 6. Employers shall file with the Board, in such manner and at such times as the Board by regulations may prescribe, returns under oath of compensation of employees, and, if the Board shall so require, shall distribute to employees annual statements of compensation: *Provided*, That no returns shall be required of employers which would duplicate information contained in similar returns required under any other Act of Congress administered by the Board. The Board's record of the compensation so returned shall, for the purpose of determining eligibility for and the amount of benefits, be conclusive as to the amount of compensation earned by an employee during the period covered by the return, and the fact that the Board's records show that no return was made of the compensation claimed to be earned by an employee during a particular period shall, for the purposes of determining eligibility for and the amount of benefits, be taken as conclusive that no compensation was earned by such employee during that period, unless the error in the amount of compensation in the one case, or failure to make or record return of the compensation in the other case, is called to the attention of the Board within eighteen months after the date on which the last return covering any portion of the calendar year which includes such period is required to have been made."

SEC. 22. Subsection (d) of section 11 of said Act is hereby amended to read as follows:

"(d) So much of the balance in the fund as of June 30 of each year as is in excess of \$6,000,000 shall as of such date be transferred from the fund and credited to the account."

SEC. 23. The first paragraph of subsection (1) of section 12 of said Act is hereby amended by adding thereto the following sentence: "A person in the employ of the Board on June 30, 1939, and on June 30, 1940, and who has had experience in railroad service, shall acquire a competitive classified civil-service status if, after recommendation by the Board to the Civil Service Commission, he shall pass such non-competitive tests of fitness for the position for which the Board recommends him as the Civil Service Commission may prescribe."

SEC. 24. Subsection (1) of section 12 of said Act is hereby further amended by changing the period at the end thereof to a colon and adding the following: "*And provided further*, That, for the purpose of registering unemployed employees who reside in areas in which no employer facilities are located, or in which no employer will make

Hearing.

Regulations.

Final decision of Board; review, etc.

53 Stat. 847.
45 U. S. C., Supp. V, § 356.
Returns of compensation of employees.

Proviso.
Duplicate information.
Board's record of compensation, conclusiveness.

52 Stat. 1106.
45 U. S. C., Supp. V, § 361 (d).

Transfer of designated excess to insurance account.

52 Stat. 1110.
45 U. S. C., Supp. V, § 362 (i).
Civil-service status.

52 Stat. 1110.
45 U. S. C., Supp. V, § 362 (i).
Provisos.
Personnel for registering unemployed employees.

42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.
Compensation on piece-rate basis.

Detail of employees.
5 U. S. C. § 39.

Restriction.

Renewals.

50 Stat. 309.
45 U. S. C., Supp. V, § 228a (h).
Compensation, longevity, etc.

Local lodge, etc., service.

50 Stat. 437.
45 U. S. C., Supp. V, §§ 262 (a), 263 (a).
53 Stat. 179, 180.
26 U. S. C., Supp. V, §§ 1500, 1520.

50 Stat. 314.
45 U. S. C., Supp. V, § 228i.

Erroneous payments.

49 Stat. 967.
45 U. S. C., Supp. V, §§ 215-228.
Recovery by adjustments.

Making of adjustments.

No recovery for overpayments.

49 Stat. 967.
45 U. S. C., Supp. V, §§ 215-228.

facilities available for the registration of such employees, the Board may, without regard to civil-service laws and the Classification Act of 1923, appoint persons to accept, in such areas, registration of such employees and perform services incidental thereto and may compensate such persons on a piece-rate basis to be determined by the Board. Notwithstanding the provisions of the Act of June 22, 1906 (34 Stat. 449), or any other provision of law, the Board may detail employees from stations outside the District of Columbia to other stations outside the District of Columbia or to service in the District of Columbia, and may detail employees in the District of Columbia to service outside the District of Columbia: *Provided*, That all details hereunder shall be made by specific order and in no case for a period of time exceeding one hundred and twenty days. Details so made may, on expiration, be renewed from time to time by order of the Board, in each particular case, for periods not exceeding one hundred and twenty days."

SEC. 25. Subsection (h) of section 1 of the Railroad Retirement Act of 1937 (50 Stat. 307) is hereby amended by adding thereto the following sentence: "For the purposes of determining monthly compensation and years of service and for the purposes of subsections (a), (c), and (d) of section 2 and subsection (a) of section 5 of this Act, compensation earned in the service of a local lodge or division of a railway-labor-organization employer shall be disregarded with respect to any calendar month if the amount thereof is less than \$3 and (1) such compensation is earned between December 31, 1936, and April 1, 1940, and taxes thereon pursuant to sections 2 (a) and 3 (a) of the Carriers Taxing Act of 1937 or sections 1500 and 1520 of the Internal Revenue Code are not paid prior to July 1, 1940; or (2) such compensation is earned after March 31, 1940.

SEC. 26. Section 9 of the Railroad Retirement Act of 1937 is hereby amended to read as follows:

"SEC. 9. (a) If the Board finds that at any time more than the correct amount of annuities, pensions, or death benefits has been paid to any individual under this Act or the Railroad Retirement Act of 1935 or a payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940), recovery by adjustments in subsequent payments to which such individual is entitled under this Act or any other Act administered by the Board may, except as otherwise provided in this section, be made under regulations prescribed by the Board. If such individual dies before recovery is completed, recovery may be made by set-off or adjustments, under regulations prescribed by the Board, in subsequent payments due, under this Act or any other Act administered by the Board, to the estate, designee, next of kin, legal representative, or surviving spouse of such individual, with respect to the employment of such individual.

"(b) Adjustments under this section may be made either by deductions from subsequent payments or, with respect to payments which are to be made during a lifetime or lifetimes, by subtracting the total amount of annuities, pensions, or death benefits paid in excess of the proper amount from the actuarial value, as determined by the Board, of such payments to be made during a lifetime or lifetimes and recertifying such payments on the basis of the reduced actuarial value. In the latter case, recovery shall be deemed to have been completed upon such recertification.

"(c) There shall be no recovery in any case in which more than the correct amount of annuities, pensions, or death benefits under this Act or the Railroad Retirement Act of 1935 has been paid to an individual or payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940) who, in the judg-

ment of the Board, is without fault when, in the judgment of the Board, recovery would be contrary to the purpose of the Acts or would be against equity or good conscience.

“(d) No certifying or disbursing officer shall be held liable for any amount certified or paid by him in good faith to any person where the recovery of such amount is waived under subsection (c) of this section or has been begun but cannot be completed under subsection (a) of this section.”

SEC. 27. (a) Subsection (e) of section 1532 of the Internal Revenue Code is amended by adding thereto the following sentence: “For the purpose of determining the amount of taxes under sections 1500 and 1520, compensation earned in the service of a local lodge or division of a railway-labor-organization employer shall be disregarded with respect to any calendar month if the amount thereof is less than \$3 and (1) such compensation is earned before April 1, 1940, and the taxes thereon under such sections are not paid before July 1, 1940, or (2) such compensation is earned after March 31, 1940.”

(b) For the purpose of determining the amount of taxes under sections 2 (a) and 3 (a) of the Carriers Taxing Act of 1937, compensation earned in the service of a local lodge or division of a railway-labor-organization employer shall be disregarded with respect to any calendar month if the amount thereof is less than \$3 and the taxes thereon under such sections are not paid before July 1, 1940.

Approved, October 10, 1940.

Protection against liability.

Determination of tax amounts.
53 Stat. 182.
26 U. S. C., Supp. V, § 1532 (e).
53 Stat. 179, 180.
26 U. S. C., Supp. V, §§ 1500, 1520.

Taxes under Carriers Taxing Act of 1937.
50 Stat. 437.
46 U. S. C., Supp. V, §§ 262 (a), 263 (a).

[CHAPTER 843]

AN ACT

To transfer the essential language of section 518, title IV, of the Tariff Act of 1930, approved June 17, 1930, into the Judicial Code of the United States and to provide for its reenactment as part of said Judicial Code, to take effect from the date of its passage, including the allowance to the judges of the United States Customs Court for traveling expenses incurred for maintenance while absent from New York on official business and to repeal all Acts inconsistent therewith to the extent of such inconsistency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a new section be, and the same is hereby, added to the Judicial Code of the United States relating to the United States Customs Court, to be known as section 187 (a), to follow immediately after section 187, to read in the exact language of section 518, title IV, of the Tariff Act of 1930 as follows:

“SEC. 187. (a) UNITED STATES CUSTOMS COURT.

“The United States Customs Court shall continue as now constituted, except that the chief justice and the associate justices of such court now in office and their successors shall hereafter be known as the judges of such court. All vacancies in such court shall be filled by appointment by the President, by and with the advice and consent of the Senate. Not more than five of the judges of such court shall be appointed from the same political party and each of such judges shall receive a salary of \$10,000 a year. They shall not engage in any other business, vocation, or employment, and shall hold their office during good behavior. The offices of such court shall be at the port of New York. The court and each judge thereof shall have and possess all the powers of a district court of the United States for preserving order, compelling the attendance of witnesses and the production of evidence, and in punishing for contempt. The court shall have power to establish from time to time such rules of evidence, practice, and procedure,

October 10, 1940
[S. 3990]
[Public, No. 834]

Judicial Code, amendments.
36 Stat. 1143.
28 U. S. C. § 293.

46 Stat. 737.
19 U. S. C. § 1518.

Continuation as now constituted; exception.

Appointment to vacancies.

Tenure.

Offices at New York.
Powers.

Amendment of protests, etc.

Presiding judge.

Control of fiscal affairs and clerical force.

Assignment of cases.

Travel, etc., expenses.

Divisions of court.

Rehearing or retrial of case.

Exemption as to salary.
19 U. S. C. § 49;
Supp. V, § 49.

Retirement.

Active service assignment.

not inconsistent with law, as may be deemed necessary for the conduct of its proceedings, in securing uniformity in its decisions and in the proceedings and decisions of the judges thereof, and for the production, care, and custody of samples and of the records of such court. Under such rules as the United States Customs Court may prescribe, and in its discretion, the court may permit the amendment of a protest, appeal, or application for review. One of the judges of such court, designated for that purpose by the President of the United States, shall act as presiding judge, and in his absence the judge then present who is senior as to the date of his commission shall act as presiding judge; and until any such designation is made the chief justice of the United States Customs Court now in office shall act as presiding judge. The presiding judge, or the acting presiding judge in his absence, shall have control of the fiscal affairs and of the clerical force of the court, making all recommendations for appointment, promotions, or otherwise affecting such clerical force; he may at any time before trial, under the rules of the court, assign or reassign any case for hearing or determination, or both, and shall designate a judge or division of three judges and such clerical assistants as may be necessary to proceed to any port within the jurisdiction of the United States for the purpose of hearing or of hearing and determining cases assigned for hearing at such port, and shall cause to be prepared and promulgated dockets therefor. Judges of the court shall each be allowed and paid his necessary expenses of travel and his reasonable expenses, not to exceed \$10 per day actually incurred for maintenance while absent from New York on official business. The judges of said court shall be divided into three divisions of three judges each for the purpose of hearing and deciding appeals for the review of reappraisements of merchandise, and of hearing and deciding protests against decisions of collectors. A division of three judges or a single judge shall have power to order an analysis of imported merchandise and reports thereon by laboratories or bureaus of the United States. The presiding judge shall assign three judges to each of said divisions and shall designate one of such three judges to preside. The presiding judge of the court shall be competent to sit as a judge of any division or to assign one or two other judges to any of such divisions in the absence or disability of any one or two judges of such division. A majority of the judges of any division shall have full power to hear and decide all cases and questions arising therein or assigned thereto. A division of the court deciding a case or a single judge deciding an appeal for a reappraisalment may, upon the motion of either party made within thirty days next after such decision, grant a rehearing or retrial of such case when in the opinion of such division or single judge the ends of justice so require.

"The judges of the United States Customs Court are hereby exempted from so much of section 1790 of the Revised Statutes as relates to their salaries.

"When any judge of the United States Customs Court resigns his office after having held a commission as judge or justice of such court or member of the Board of General Appraisers at least ten years continuously, or otherwise, and having attained the age of seventy years, he shall, during the residue of his natural life, receive the salary which is payable to a judge of such court at the time of his resignation. Any such judge, who is qualified to resign under the foregoing provisions, may retire, upon the salary of which he is then in receipt, from regular active service as a judge of such court and upon such retirement the President may appoint a successor; but such retired judge may, with his consent, be assigned by the presiding judge of such court to serve upon such court and while so serving shall have all the powers of a judge of such court."

SEC. 2. That all Acts or parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed to the extent of such inconsistency.

Inconsistent Acts repealed.

SEC. 3. That this Act, including the provision for payment of the expenses of the judges of the Customs Court, Government attorneys, and stenographic clerks incurred while absent from New York on official business, shall take effect from the date of its passage.

Effective date.

Approved, October 10, 1940.

[CHAPTER 844]

AN ACT

Authorizing a per capita payment of \$10 each to the members of the Red Lake Band of Chippewa Indians from any funds on deposit in the Treasury of the United States to their credit.

October 10, 1940
[H. R. 8369]
[Public, No. 835]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to withdraw as much as may be necessary from any funds on deposit in the Treasury of the United States to the credit of the Red Lake Indians in Minnesota, and to make therefrom a per capita payment of \$10 to each of the members of the Red Lake Band of Chippewa Indians of the State of Minnesota, living at the date of the passage of this Act, immediately payable upon the passage of this Act, under such rules and regulations as the said Secretary may prescribe: *Provided*, That the money paid to the Indians as authorized herein shall not be subject to any lien or claim of attorneys or other parties: *Provided further*, That before any payment is made hereunder, the Red Lake Band of Chippewa Indians in Minnesota shall, in such manner as may be prescribed by the Secretary of the Interior, ratify the provisions of this Act and accept same.

Red Lake Band of Chippewa Indians, Minn.
Per capita payment to.

Provisos.
Payments not subject to any lien, etc.
Acceptance, etc.

Approved, October 10, 1940.

[CHAPTER 845]

AN ACT

To further amend the Alaska game law.

October 10, 1940
[H. R. 8474]
[Public, No. 836]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Act entitled "An Act to establish an Alaska Game Commission, to protect game animals, land fur-bearing animals, and birds in Alaska, and for other purposes", approved January 13, 1925, as amended, is further amended to read as follows:

Alaska Game Law, amendment.

43 Stat. 743.
48 U. S. C. § 198;
Supp. V, § 198.

"SEC. 10. REGULATIONS.—That the Secretary of the Interior, upon consultation with or recommendation from the Commission, is hereby authorized and directed from time to time to determine when, to what extent if at all, and by what means game animals, land fur-bearing animals, game birds, nongame birds, and nests or eggs of birds may be taken, possessed, transported, bought, or sold, and to adopt suitable regulations permitting and governing the same in accordance with such determinations, which regulations shall become effective on the date specified therein; but no such regulations shall permit any person to take any female yearling or calf moose, any doe yearling or fawn deer, or any female or lamb mountain sheep except under permit for scientific, propagation, or educational purposes; or to use any dog in taking game animals; or to sell the heads, hides, or horns of any game animals, except the hides of moose, caribou, deer, and mountain goat, or black bears if and when declared to be game animals by the Secretary

Regulations for taking game animals, etc.

Special prohibitions.

43 Stat. 739; 52 Stat.
1169.
48 U. S. C. § 206;
Supp. V, § 206.
Firearms, boats, etc.

Sales.

Use for food during
closed season.

40 Stat. 755.
16 U. S. C. §§ 703-711;
Supp. V, §§ 703-709a.
Proviso.
Destruction, etc., of
property used by Com-
mission.

of the Interior under authority of section 2 of this Act, which the regulations may permit to be sold under such restrictions as said Secretary may deem to be appropriate; or to use any shotgun larger than a number 10 gage; or to use any airplane, or steam or power launch, or any boat other than one propelled by paddle, oars, or pole, in taking game animals or game birds; or to sell any game animals, game birds, or parts thereof to the owner, master, or employee of any coastal or river steamer or commercial power or sailboat, or to procure for serving or to serve any such game animals, game birds, or parts thereof in any cannery or to the employees on any such steamer or boat; nor, except as herein provided, shall prohibit any Indian or Eskimo, prospector, or traveler to take animals or birds during the closed season when he is in need of food and other sufficient food is not available, but the shipment or sale of any animals or birds or parts thereof so taken shall not be permitted, except that the hides of animals so taken may be sold within the Territory, but said Secretary by regulation may prohibit such native Indians or Eskimos, prospectors, or travelers from taking any species of animals or birds for food during the closed season in any section of the Territory within which he shall determine that the supply of such species of animals or birds is in danger of extermination; nor shall any such regulation contravene any of the provisions of the Migratory Bird Treaty Act and regulations: *Provided*, That no person shall knowingly disturb, injure, or destroy any notice, signboard, seal, boat, vessel, sled, dog, or dog team, paraphernalia, or equipment, building, or other improvement or property of the United States used by the Commission in the administration and/or enforcement of the provisions of this Act, or as a notice to the public concerning the provisions of this Act or any regulation adopted pursuant thereto, or as a marker of the boundary of any area closed to hunting, trapping, or other special use under the provisions of this Act, or to destroy, remove, tamper with, or imitate any metal seal or seals issued by the Commission and attached to any skin, portion, or specimen of a wild animal or bird or other article for purposes of identification under its authority, in accordance with the provisions of this Act or any regulation thereunder."

Approved, October 10, 1940.

[CHAPTER 846]

AN ACT

October 10, 1940
[H. R. 9123]
[Public, No. 837]

To approve Act numbered 65 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An Act to amend Act 29 of the Session Laws of Hawaii, 1929, granting to J. K. Lota and associates a franchise for electric light, current, and power in Hanalei, Kauai, by including Moloaa within such franchise".

Hawaii.
Approval of Act
granting a franchise
for electric light, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Act numbered 65 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An Act to amend Act 29 of the Session Laws of Hawaii, 1929, granting to J. K. Lota and associates a franchise for electric light, current, and power in Hanalei, Kauai, by including Moloaa within such franchise", passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on April 20, 1939, be hereby approved.

Effective date.

SEC. 2. This Act shall be in force and effect from and after its passage.

Approved, October 10, 1940.

[CHAPTER 847]

AN ACT

To approve Act numbered 214 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An Act to amend Act 105 of the Session Laws of Hawaii, 1921, granting franchise for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapaa and Waipouli in the district of Kawaihau on the island and county of Kauai, by including within said franchise the entire district of Kawaihau, island of Kauai."

October 10, 1940
[H. R. 9124]
[Public, No. 838]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Act numbered 214 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An Act to amend Act 105 of the Session Laws of Hawaii, 1921, granting franchise for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapaa and Waipouli in the district of Kawaihau on the island and county of Kauai, by including within said franchise the entire district of Kawaihau, island of Kauai", passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on May 12, 1939, be hereby approved.

Hawaii.
Approval of Act
granting franchise for
electric current for
light and power.

SEC. 2. This Act shall be in force and effect from and after its passage.

Effective date.

Approved, October 10, 1940.

[CHAPTER 848]

AN ACT

To provide for uniformity of allowances for the transportation of household goods of civilian officers and employees when transferred from one official station to another for permanent duty.

October 10, 1940
[H. R. 9264]
[Public, No. 839]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That expenses which now or hereafter may be authorized by law to be paid from Government funds for the packing, crating, drayage, and transportation of household goods and personal effects of civilian officers and employees of any of the executive departments or establishments of the United States when transferred from one official station to another for permanent duty shall hereafter be allowed and paid, when specifically authorized or approved by the head of the department or establishment concerned, under such rules and regulations as may be prescribed by the President, which regulations shall prescribe, among other matters, the maximum weight of the property, not to exceed five thousand pounds gross or the equivalent thereof when transportation charges are based on cubic measurement, which may be packed, crated, hauled, transported, and unpacked at Government expense: *Provided*, That no part of such expenses shall be paid from Government funds where the transfer is made at the request and primarily for the convenience or benefit of the officer or employee: *Provided further*, That nothing herein shall affect the allowance and payment of expenses for, or incident to, the transportation of effects of officers and employees of the Foreign Service, Department of State, except where the transfer is made at the request and primarily for the convenience or benefit of the officer or employee.*

Employees of executive departments.
Transportation of household goods, etc., upon change of station.

Provides.
Transfer for personal benefit.

Foreign Service not affected.

Exception.

Approved, October 10, 1940.

[CHAPTER 849]

AN ACT

To amend the Merchant Marine Act, 1936, as amended.

October 10, 1940
[H. R. 9581]
[Public, No. 840]

Merchant Marine Act, 1936, amendment.
49 Stat. 1995.
46 U. S. C., Supp. V, §§ 1151-1160.
"New vessel" defined.

49 Stat. 1995, 2008.
46 U. S. C., Supp. V, §§ 1151-1160, 1191-1204.
52 Stat. 969.
46 U. S. C., Supp. V, §§ 1271-1279.

Citizens operating vessels in U. S. commerce, fisheries, etc.
49 Stat. 1985.
46 U. S. C., Supp. V, § 1101.

Construction reserve fund.

Deposits of proceeds or indemnities in reserve fund.

Time limitation for deposits; exception.

"Net proceeds" and "net indemnity" defined.

Basis for determining gain or loss and depreciation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title V of the Merchant Marine Act, 1936, as amended, is hereby amended by adding at the end thereof a new section to read as follows:

"SEC. 511. (a) When used in this section the term 'new vessel' means any vessel (1) documented or agreed with the Commission to be documented under the laws of the United States; (2) constructed in the United States after December 31, 1939, or the construction of which has been financed under titles V or VII of this Act, as amended, or the construction of which has been aided by a mortgage insured under title XI of this Act as amended; and (3) either (A) of such type, size, and speed as the Commission shall determine to be suitable for use on the high seas or Great Lakes in carrying out the purposes of this Act, but not of less than two thousand gross tons or of less speed than twelve knots, unless the Commission shall determine and certify in each case that a vessel of a specified lesser tonnage or speed is desirable for use by the United States in case of war or national emergency, or (B) constructed to replace a vessel or vessels requisitioned or purchased by the United States.

"(b) For the purposes of promoting the construction of vessels necessary to carrying out the policy set forth in title I of this Act, any citizen of the United States who is operating a vessel or vessels in the foreign or domestic commerce of the United States or in the fisheries or owns a vessel or vessels being so operated, or who, at the time of purchase or requisition of the vessel by the Government, was operating a vessel or vessels so engaged or owned a vessel or vessels being so operated, may establish a construction reserve fund, for the construction or acquisition of new vessels, to be composed of deposits of proceeds from sales of vessels, indemnities on account of losses of vessels, earnings from the operation of vessels, and receipts, in the form of interest or otherwise, with respect to amounts previously deposited. Such construction reserve fund shall be established, maintained, expended, and used in accordance with the provisions of this section and rules or regulations to be prescribed jointly by the Commission and the Secretary of the Treasury.

"(c) In the case of the sale or actual or constructive total loss of a vessel, if the taxpayer deposits an amount equal to the net proceeds of the sale or to the net indemnity with respect to the loss in a construction reserve fund established under subsection (b), then, if the taxpayer so elects in his income-tax return for the taxable year in which the gain was realized, no gain shall be recognized to the taxpayer in respect of such sale or indemnification in the computation of net income for the purposes of Federal income or excess-profits taxes. For the purposes of this subsection no amount shall be considered as deposited in a construction reserve fund unless it is deposited within sixty days after it is received by the taxpayer except that in the case of amounts received on or before the date of enactment of this section or within sixty days after such date, the deposit may be made within one hundred and twenty days after the date of enactment of this section. As used in this subsection the term 'net proceeds' and the term 'net indemnity' mean the sum of (1) the adjusted basis of the vessel and (2) the amount of gain which would be recognized to the taxpayer without regard to this subsection.

"(d) The basis for determining gain or loss and for depreciation, for the purpose of Federal income or excess-profits taxes, of any new

vessel constructed or acquired by the taxpayer in whole or in part out of the construction reserve fund shall be reduced by that portion of the deposits in the fund expended in the construction or acquisition of the new vessel which represents gain not recognized under subsection (c).

“(e) For the purposes of this section, (1) if the net proceeds of a sale or the net indemnity in respect of a loss are deposited in more than one deposit, the amount consisting of the gain shall be considered as first deposited; (2) amounts expended, obligated, or otherwise withdrawn shall be applied against the amounts deposited in the fund in the order of deposit; and (3) if any deposit consists in part of gain not recognized under subsection (c), any expenditure, obligation, or withdrawal applied against such deposit shall be considered to consist of gain in the proportion that the part of the deposit consisting of gain bears to the total amount of the deposit.

Deposits and withdrawals.

“(f) With respect to any taxable year, amounts on deposit on the last day of such year in a construction reserve fund in accordance with this section and with respect to which all the requirements of subsection (g) have been satisfied, to the extent that such requirements are applicable as of the last day of said taxable year, shall not constitute an accumulation of earnings or profits within the meaning of section 102 of the Internal Revenue Code.

Amounts on deposit on last day of taxable year.

“(g) The provisions of subsections (c) and (f) shall apply to any deposit in the construction reserve fund only to the extent that such deposit is expended or obligated for expenditure, in accordance with rules and regulations to be prescribed jointly by the Commission and the Secretary of the Treasury, under a contract for the construction or acquisition of a new vessel or vessels entered into within two years from the date of such deposit, and only if under such rules and regulations—

53 Stat. 35.
26 U. S. C., Supp. V,
§ 102.

Applicability of designated subsections.

“(1) within such period of two years not less than 12½ per centum of the construction or contract price of the vessel or vessels is paid or irrevocably committed on account thereof and the plans and specifications therefor are approved by the Commission to the extent by it deemed necessary; and

“(2) in case of a vessel or vessels not constructed under the provisions of this title or not purchased from the Commission, (A) said construction is completed, within six months from the date of the construction contract, to the extent of not less than 5 per centum thereof (or in case the contract covers more than one vessel, the construction of the first vessel so contracted for is so completed to the extent of not less than 5 per centum) as estimated by the Commission and certified by it to the Secretary of the Treasury, and (B) all construction under such contract is completed with reasonable dispatch thereafter.

“(h) The Commissioner of Internal Revenue is authorized under rules and regulations to be prescribed jointly by the Secretary of the Treasury and the Commission to grant extensions of the period within which the deposits shall be expended or obligated or within which construction shall have progressed to the extent of 5 per centum of completion as provided herein, but such extension shall not be for an aggregate additional period in excess of two years with respect to the expenditure or obligation of such deposits or more than one year with respect to the progress of such construction.

Certain extensions permitted.

“(i) Any such deposited gain or portion thereof which is not so expended or obligated within the period provided, or which is otherwise withdrawn before the expiration of such period, or with respect to which the construction has not progressed to the extent of 5 per

Treatment of unexpended deposited gain or uncompleted construction.

centum of completion within the period provided, or with respect to which the Commission finds and certifies to the Secretary of the Treasury that, for causes within the control of the taxpayer, the entire construction is not completed with reasonable dispatch, if otherwise taxable income under the law applicable to the taxable year in which such gain was realized, shall be included in the gross income for such taxable year, except for the purpose of the declared value excess-profits tax and the capital stock tax. If any such deposited gain or portion thereof is so included in gross income for such taxable year, there shall (in addition to any other deficiency) be assessed, collected, and paid in the same manner as if it were a deficiency, an amount equal to 1.1 per centum of the amount of gain so included, such amount being in lieu of any adjustment with respect to the declared value excess-profits tax for such taxable year.

Collection of certain tax deficiencies.

“(j) Notwithstanding any other provision of law, any deficiency in tax for any taxable year resulting from the inclusion of any amount in gross income as provided by subsection (i), and the amount to be treated as a deficiency under such subsection in lieu of any adjustment with respect to the declared value excess-profits tax, may be assessed or a proceeding in court for the collection thereof may be begun without assessment, at any time: *Provided, however,* That interest on any such deficiency or amount to be treated as a deficiency shall not begin until the date the deposited gain or portion thereof in question is required under subsection (i) to be included in gross income.

Proviso.
Interest.

Applicability to sales or loss indemnifications.

“(k) This section shall be applicable to a taxpayer only in respect of sales or indemnifications for losses occurring within a taxable year beginning after December 31, 1939, and only in respect of earnings derived during a taxable year beginning after December 31, 1939.

When vessel deemed constructed or acquired.

“(l) For the purposes of this section a vessel shall be considered as constructed or acquired by the taxpayer if constructed or acquired by a corporation at a time when the taxpayer owns at least 95 per centum of the total number of shares of each class of stock of the corporation.

Meaning of terms.
53 Stat. 4.
26 U. S. C., Supp. V, ch. 1.

“(m) The terms used in this section shall have the same meaning as in chapter 1 of the Internal Revenue Code.”

Approved, October 10, 1940.

[CHAPTER 850]

AN ACT

October 10, 1940
[H. R. 9734]
[Public, No. 841]

Authorizing allocation of funds for the construction of Saco Divide unit, Milk River project, and for other purposes.

Saco Divide unit,
Milk River project,
Mont.
Allocation of funds
for construction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in connection with the Saco Divide unit of the Milk River project there shall be included in the water users repayment obligations, in addition to the amounts that may be allocated by the President for the construction of pumping and distribution facilities and land development of this unit from funds appropriated for water conservation and utility projects by the Interior Department Appropriation Act, 1940, to be repaid as therein provided, that portion of the cost of the facilities of the Milk River project common to the Saco Divide unit and other units of the Milk River project that may be allocated to the Saco Divide unit by the Secretary of the Interior. The costs of Fresno Dam and Reservoir so allocated by the Secretary shall be included for repayment in not to exceed forty annual installments along with the costs of pumping and distribution facilities allocated by the

53 Stat. 719.
Repayment.

Fresno Dam and
Reservoir.
Repayment in an-
nual installments.

President for repayment as provided by the water conservation and utility projects item in the Interior Department Appropriation Act, 1940; the cost of the other common facilities of the Milk River project allocated by the Secretary to the Saco Divide unit shall be repaid in not to exceed twenty annual installments, the first to accrue not later than the year following the last installment due and payable to the United States from the water users of the unit on the obligation comprising the amounts allocated by the President for construction of pumping and distribution facilities and the costs of the Fresno Dam and Reservoir allocated to the unit by the Secretary. Payments on account of the costs allocated by the Secretary shall be credited to the Reclamation Fund, and the component of such payments attributable to costs of construction prior to 1935 as determined by the Secretary shall be credited to write-offs made on the Milk River project pursuant to the Act of May 25, 1926 (44 Stat. 636).

Other common facilities.

Credit of payments.

44 Stat. 640.

Reimbursement provisions.

SEC. 2. No water shall be delivered for the Saco Divide unit until the Secretary of the Interior has entered into the contract or contracts required, in his judgment, to carry into full effect the provisions of section 1 and to provide for repayment of the reimbursable construction costs chargeable to the Saco Divide unit.

Approved, October 10, 1940.

[CHAPTER 851]

AN ACT

To consolidate certain exceptions to section 3709 of the Revised Statutes and to improve the United States Code.

October 10, 1940

[H. R. 10061]

[Public, No. 842]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3709 of the Revised Statutes shall not be construed to apply to any purchases or services authorized by any appropriation Act for the hereinafter enumerated departments and independent offices—

Consolidation of certain exceptions to R. S. § 3709, 41 U. S. C. § 5.

(a) Where the aggregate amount involved does not exceed the sum of \$25—

Aggregate amount not in excess of \$25.

- (1) The Civil Service Commission.
- (2) The Department of Commerce.
- (3) The Department of Justice.

(b) Where the aggregate amount involved does not exceed the sum of \$50—

Aggregate amount not in excess of \$50.

- (1) The Administrative Office of the United States Courts.
- (2) The Department of Agriculture.
- (3) The Farm Credit Administration.
- (4) The Federal Bureau of Investigation in the field.
- (5) The Federal Home Loan Bank Board.
- (6) The Federal Power Commission.
- (7) The Federal Trade Commission.
- (8) The General Accounting Office.
- (9) The Interstate Commerce Commission.
- (10) The National Advisory Committee for Aeronautics.
- (11) The National Archives.
- (12) The National Labor Relations Board.
- (13) The Navy Department or its bureaus and offices.
- (14) The Railroad Retirement Board.
- (15) The Securities and Exchange Commission.
- (16) The Tariff Commission.
- (17) The Treasury Department.
- (18) The Veterans' Administration.

Aggregate amount
not in excess of \$100.

(c) Where the aggregate amount involved does not exceed the sum of \$100—

- (1) The Civil Aeronautics Board.
- (2) The Department of Labor.
- (3) The Federal Loan Agency.
- (4) The Federal Works Agency.
- (5) The Maritime Labor Board.
- (6) The Rural Electrification Administration.
- (7) The Smithsonian Institution.
- (8) The United States Maritime Commission.
- (9) The District of Columbia.

Aggregate amount
not in excess of \$500.

(d) Where the aggregate amount involved does not exceed the sum of \$500—

(1) The United States Section of International Boundaries Commission, United States and Mexico.

Exemptions under
specified circum-
stances.
41 U. S. C. § 5.

SEC. 2. Section 3709 of the Revised Statutes shall not be construed to apply under any appropriation Act to the following departments and independent offices under the circumstances specified herein:

American Battle
Monuments Commis-
sion.

(a) American Battle Monuments Commission—to any purchases when the aggregate amount involved does not exceed \$500, nor to any leases in foreign countries for office or garage space.

Botanic Garden.

(b) Botanic Garden—to the purchase of supplies and equipment and the procurement of services made in the open market in the manner common among businessmen, when the aggregate amount of the purchase or the services does not exceed \$50 in any instance.

Bureau of the
Budget.

(c) Botanic Garden—to the purchase of plants, trees, shrubs, and other nursery stock in the sum of \$300 at any one time.

Bureau of Foreign
and Domestic Com-
merce.

(d) Bureau of the Budget—to any purchases of office equipment and supplies when the amount involved in any case does not exceed \$50.

(e) The Bureau of Foreign and Domestic Commerce—to purchases of supplies and equipment or the procurement of services in foreign countries made in the open market in the manner common among businessmen when the aggregate amount of the purchase or service does not exceed \$100 in any instance.

Bureau of Inter-
parliamentary Union
for Promotion of In-
ternational Arbitra-
tion.

(f) The Bureau of Interparliamentary Union for Promotion of International Arbitration—to stenographic reporting services by contract if deemed necessary.

Department of the
Interior.

(g) Department of the Interior, the bureaus and offices thereof, Howard University, and the Columbia Institution for the Deaf, at the seat of the government, as well as those located in the field outside the District of Columbia—to the purchase of supplies and equipment or the procurement of services made in open markets in the manner common among businessmen when the aggregate amount of the purchase or the service does not exceed \$100 in any instance.

Department of State.

(h) Department of State—to any purchase or service when the aggregate amount does not exceed \$100, or with respect to articles, materials, or supplies for use outside the United States when the aggregate amount involved does not exceed \$300; or when the purchase or service relates to the packing of personal and household effects of Diplomatic, Consular, and Foreign Service officers and clerks for foreign shipment.

Federal Communi-
cations Commission.

(i) Federal Communications Commission—to any purchase or exchange of instruments when the aggregate amount involved does not exceed \$25.

International Com-
mittee of Aerial Legal
Experts.

(j) The International Committee of Aerial Legal Experts—to stenographic and other service by contract as deemed necessary.

Medical Depart-
ment of the Army.

(k) Medical Department of the Army—to the purchase of medicines and medical supplies.

Social Security
Board.

(l) Social Security Board—to any purchase when the aggregate amount involved does not exceed \$100.

(m) Bureau of Mines—to any purchase or service rendered in the investigation of domestic sources of mineral supply, when the amount involved does not exceed \$500.

Bureau of Mines.

(n) Bureau of Reclamation—to the purchase of supplies and equipment or the procurement of services for the Bureau at the seat of government and elsewhere made in the open market in the manner common among businessmen, when the aggregate payment for the purchase or the service does not exceed \$300 in any instance.

Bureau of Reclamation.

SEC. 3. (a) Materials and equipment for the control of incipient or emergency outbreaks of insects, pests, or grass diseases, including grasshoppers, Mormon crickets, and chinch bugs, may be procured with any sums appropriated to carry out the provisions of Public Resolution Numbered 91, approved May 9, 1928, without regard to the provisions of section 3709 of the Revised Statutes, as amended, and the transportation thereof may be under such conditions and means as shall be determined by the Secretary of Agriculture to be most advantageous.

Insect, pest, and plant disease control.

52 Stat. 344.
7 U. S. C., Supp. V, § 148.
41 U. S. C. § 5.

(b) When the aggregate amount involved does not exceed the sum of \$300, section 3709 of the Revised Statutes shall not apply to any purchase or service for which expenditures are incurred from funds allocated to Government agencies for obligation under the Act of June 28, 1937 (50 Stat. 319), relating to the Civilian Conservation Corps.

Civilian Conservation Corps, expenditure not exceeding \$300.

16 U. S. C., Supp. V, § 554.

(c) All contracts for labor or supplies necessary for the carrying on of operations on the Menominee Indian Reservation pursuant to the Act of March 28, 1908 (35 Stat. 51), as amended, shall be exempt from the requirements of section 3709 of the Revised Statutes.

Menominee Indian Reservation.

SEC. 4. (a) The sections or parts of sections of the Statutes at Large heretofore covering the provisions consolidated in this Act are hereby repealed insofar as they are incorporated in the United States Code, 1934 Edition and Supplements thereto, as shown by the appended table: *Provided, however,* That any rights or liabilities existing under such repealed sections or parts of sections shall not be affected by their repeal.

Repeal of certain sections, etc., of Statutes at Large.

Proviso.
Rights or liabilities.

(b) The last paragraph under the heading "Board of Mediation" in the Independent Offices Act of 1928 (44 Stat. 1072; U. S. C., title 45, sec. 164) is hereby repealed.

Provisions repealed.
Board of Mediation.

(c) The last paragraph of the Act of February 13, 1923, chapter 72 (42 Stat. 1244; U. S. C., title 41, sec. 6), is hereby repealed.

Veterans' Bureau.

(d) The last proviso of section 1 of the Act of February 15, 1934, chapter 13 (48 Stat. 351; U. S. C., title 41, sec. 6), is hereby repealed.

Federal Civil Works Administration.

Statutes at Large	United States Code	
	Title	Section
Act Apr. 6, 1937, ch. 69, sec. 3, as amended May 9, 1938, ch. 192, 52 Stat. 344.....	7	148b
Act Feb. 27, 1893, ch. 168, 27 Stat. 485.....	10	1203
Act Jan. 25, 1929, ch. 102, title III, 45 Stat. 1119; Apr. 18, 1930, ch. 184, title III, 46 Stat. 198; Feb. 23, 1931, ch. 280, title III, 46 Stat. 1334; July 1, 1932, ch. 361, title III, 47 Stat. 502; Mar. 1, 1933, ch. 144, title III, 47 Stat. 1393; Apr. 7, 1934, ch. 104, title III, 48 Stat. 551; Mar. 22, 1935, ch. 39, sec. 1, 49 Stat. 90; May 15, 1936, ch. 405, sec. 1, 49 Stat. 1336; June 16, 1937, ch. 359, sec. 1, title III, 50 Stat. 287; Apr. 27, 1938, ch. 180, title III, sec. 1, 52 Stat. 273; June 29, 1939, ch. 248, title III, 53 Stat. 909.....	15	198

Statutes at Large	United States Code	
	Title	Section
Act June 28, 1937, ch. 383, sec. 11, second proviso, 50 Stat. 321-----	16	¹ 584j
Act Feb. 11, 1927, ch. 104, sec. 1, 44 Stat. 1081-----	20	68
Act Feb. 14, 1931, ch. 189, second paragraph, all between second and third semicolons, as added Aug. 7, 1935, ch. 455, sec. 1, 49 Stat. 540; Feb. 11, 1936, ch. 49, 49 Stat. 1123, second paragraph, all between second and third semicolons; May 15, 1936, ch. 405, 59 Stat. 1316, beginning with "stenographic" in line 9 and ending with "Statutes" in line 11; June 16, 1937, ch. 359, 50 Stat. 267, beginning with "stenographic" in next to last line and ending with "Statutes" in first line on page 268; April 27, 1938, ch. 180, 52 Stat. 254, beginning with "stenographic" in line 14 and ending with "Statutes" in line 16; June 29, 1939, ch. 248, title I, 53 Stat. 892, beginning with "stenographic" in line 11 and ending with "Statutes" in line 16-----	22	266a
Act June 25, 1910, ch. 431, sec. 23, 36 Stat. 861; May 18, 1916, ch. 125, sec. 1, 39 Stat. 126; Jan. 12, 1927, ch. 27, 44 Stat. 936-----	25	93
Act May 13, 1926, ch. 294, sec. 1, 44 Stat. 548; Feb. 23, 1927, ch. 168, sec. 1, 44 Stat. 1157; May 14, 1928, ch. 551, sec. 1, 45 Stat. 528; Feb. 28, 1929, ch. 367, sec. 1, 45 Stat. 1397; June 6, 1930, ch. 407, sec. 1, 46 Stat. 516; Feb. 20, 1931, ch. 234, sec. 1, 46 Stat. 1186; June 30, 1932, ch. 314, sec. 1, 47 Stat. 393; Feb. 28, 1933, ch. 134, sec. 1, 47 Stat. 1362; May 30, 1934, ch. 372, sec. 1, 48 Stat. 828; July 8, 1935, ch. 374, sec. 1, 49 Stat. 471; Apr. 17, 1936, ch. 233, sec. 1, 49 Stat. 1226; May 18, 1937, ch. 223, 50 Stat. 181; May 17, 1938, ch. 236, sec. 1, 52 Stat. 392; June 16, 1939, ch. 208, sec. 1, 53 Stat. 834; June 18, 1940, ch. 396, sec. 1, 54 Stat. -----	40	217
Act Feb. 27, 1893, ch. 168, 27 Stat. 485; Mar. 2, 1899, ch. 325, 30 Stat. 957; Mar. 2, 1911, ch. 192, 36 Stat. 975; May 18, 1916, ch. 125, sec. 1, 39 Stat. 126; Mar. 1, 1919, ch. 86, sec. 1, 40 Stat. 1262; May 29, 1920, ch. 214, sec. 1, 41 Stat. 677; June 12, 1922, ch. 218, 42 Stat. 638-----	41	6
Act Jan. 25, 1929, ch. 102, title IV, 45 Stat. 1136; Apr. 18, 1930, ch. 184, title IV, 46 Stat. 215; Feb. 23, 1931, ch. 280, title IV, 46 Stat. 1352; July 1, 1932, ch. 361, title IV, 47 Stat. 520; Mar. 1, 1933, ch. 144, title IV, 47 Stat. 1409; Apr. 7, 1934, ch. 104, title IV, 48 Stat. 568; May 15, 1936, ch. 405, sec. 1, 49 Stat. 1347; June 16, 1937, ch. 359, sec. 1, title IV, 50 Stat. 298; Apr. 27, 1938, ch. 180, title IV, sec. 1, 52 Stat. 285; June 29, 1939, ch. 249, sec. 1, 53 Stat. 921-----	41	6a
Act June 25, 1910, ch. 431, sec. 23, 36 Stat. 861; May 18, 1916, ch. 125, sec. 1, 39 Stat. 126; Jan. 12, 1927, ch. 27, 44 Stat. 936-----	41	6a-1
Act Feb. 23, 1931, ch. 281, sec. 1, 46 Stat. 1363; June 30, 1932, ch. 330, sec. 1, 47 Stat. 460; June 16, 1933, ch. 101, sec. 1, 48 Stat. 292; Mar. 28, 1934, ch. 102, title I, sec. 1, 48 Stat. 514; Feb. 2, 1935, ch. 3, sec. 1, 49 Stat. 11; Mar. 19, 1936, ch. 156, sec. 1, 49 Stat. 1173; June 28, 1937, ch. 396, 50 Stat. 336; May 23, 1938, ch. 259, sec. 1, 52 Stat. 418; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 532; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 131-----	41	6b
Act June 22, 1936, ch. 689, sec. 1, 49 Stat. 1604; June 28, 1937, ch. 396, sec. 1, 50 Stat. 341; May 23, 1938, ch. 259, sec. 1, 52 Stat. 424; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 539-----	41	6c
Act June 22, 1936, ch. 689, sec. 1, 49 Stat. 1605; June 28, 1937, ch. 396, sec. 1, 50 Stat. 344; May 23, 1938, ch. 259, sec. 1, 52 Stat. 426; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 540-----	41	6d

¹ Second proviso.

Statutes at Large	United States Code	
	Title	Section
Act May 14, 1937, ch. 180, title I, sec. 1, 50 Stat. 139; Mar. 28, 1938, ch. 55, sec. 1, 52 Stat. 123; May 6, 1939, ch. 115, sec. 1, title I, 53 Stat. 656; Mar. 25, 1940, ch. 71, title I, 54 Stat. 56	41	6e
Act June 16, 1937, ch. 359, title I, 50 Stat. 273; Apr. 27, 1938, ch. 180, title I, sec. 1, 52 Stat. 258; June 29, 1939, ch. 248, title I, 53 Stat. 896; May 14, 1940, ch. 189, title I, 54 Stat.	41	6f <i>Ante</i> , p. 181.
Act June 16, 1937, ch. 359, title II, 50 Stat. 275; Apr. 27, 1938, ch. 180, title II, sec. 1, 52 Stat. 260; June 29, 1939, ch. 248, title II, 53 Stat. 898; May 14, 1940, ch. 189, title III, 54 Stat.	41	6g <i>Ante</i> , p. 200.
Act June 16, 1937, ch. 359, title III, 50 Stat. 285; Apr. 27, 1938, ch. 180, title III, sec. 1, 52 Stat. 272	41	6h
Act June 28, 1937, ch. 396, sec. 1, 50 Stat. 335; May 23, 1938, ch. 259, sec. 1, 52 Stat. 417; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 532; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 124	41	6i
Act June 28, 1937, ch. 396, sec. 1, 50 Stat. 338; May 23, 1938, ch. 259, sec. 1, 52 Stat. 420; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 534; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 133	41	6j
Act June 28, 1937, ch. 396, sec. 1, 50 Stat. 339; May 23, 1938, ch. 259, sec. 1, 52 Stat. 421; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 536; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 135	41	6k
Act June 28, 1937, ch. 396, sec. 1, 50 Stat. 339; May 23, 1938, ch. 259, sec. 1, 52 Stat. 422; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 537	41	6l
Act June 28, 1937, ch. 396, sec. 1, 50 Stat. 341; May 23, 1938, ch. 259, sec. 1, 52 Stat. 423; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 538	41	6m
Act June 28, 1937, ch. 396, sec. 1, 50 Stat. 342; May 23, 1938, ch. 259, sec. 1, 52 Stat. 425; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 539; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 136	41	6n
Act Apr. 6, 1937, ch. 69, sec. 3, as amended May 9, 1938, ch. 192, 52 Stat. 344	41	6o
Act May 23, 1938, ch. 259, sec. 1, 52 Stat. 417; as amended Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 531; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 124	41	6p
Act June 25, 1938, ch. 681, title I, 52 Stat. 1117; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 535; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 134	41	6q
Act Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 527; as amended Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 116	41	6r
Act Aug. 7, 1935, ch. 455, 49 Stat. 540; Feb. 11, 1936, ch. 49, 49 Stat. 1123; May 15, 1936, ch. 405, 49 Stat. 1316; June 16, 1937, ch. 359, 50 Stat. 267; Apr. 17, 1938, ch. 180, 52 Stat. 254; June 29, 1939, ch. 248, title I, 53 Stat. 892; May 14, 1940, ch. 189, title I, 54 Stat.	41	6s <i>Ante</i> , p. 181.
Act May 15, 1936, ch. 405, 49 Stat. 1315; June 16, 1937, ch. 359, 50 Stat. 267; Apr. 28, 1938, ch. 180, 52 Stat. 253; June 29, 1939, ch. 248, title I, 53 Stat. 891	41	6t
Act Feb. 20, 1929, ch. 270, sec. 1, 45 Stat. 1243; Apr. 19, 1930, ch. 201, sec. 1, 46 Stat. 243; Feb. 23, 1931, ch. 281, sec. 1, 46 Stat. 1370; Feb. 2, 1935, ch. 3, sec. 1, 49 Stat. 16; Mar. 19, 1936, ch. 156, sec. 1, 49 Stat. 1180; June 28, 1937, ch. 396, sec. 1, 50 Stat. 345; May 23, 1938, ch. 259, sec. 1, 52 Stat. 427; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 542; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 137	41	6u
Act June 28, 1937, ch. 396, sec. 1, 50 Stat. 331; May 23, 1938, ch. 259, sec. 1, 52 Stat. 412; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 525; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 113	41	6v
Act Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 113	41	6v-1

Statutes at Large	United States Code	
	Title	Section
Act June 16, 1938, ch. 464, 52 Stat. 750; June 30, 1939, ch. 253, title II, sec. 1, 53 Stat. 978.-----	41	6w
Act Aug. 25, 1937, ch. 757, title I, 50 Stat. 759.-----	41	6x
Act Aug. 9, 1939, ch. 633, title I, sec. 1, 53 Stat. 1318.-----	41	6y
Act Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 112.-----	41	6z
Act Apr. 18, 1940, ch. 107, 54 Stat. 118.-----	41	6aa
Act Apr. 18, 1940, ch. 107, 54 Stat. 119.-----	41	6bb
Act Apr. 18, 1940, ch. 107, 54 Stat. 120.-----	41	6cc
Act Apr. 18, 1940, ch. 107, 54 Stat. 131.-----	41	6dd
Act Feb. 11, 1927, ch. 104, sec. 1, 44 Stat. 1081, as amended Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 137.-----	41	6ee
Act May 14, 1940, ch. 189, title I, 54 Stat. 189.-----	41	6ff
Act May 14, 1940, ch. 189, title IV, 54 Stat. 211.-----	41	6gg
Act June 11, 1940, ch. 313, title I, 54 Stat. 290.-----	41	6hh
Act Aug. 4, 1939, ch. 418, sec. 13, 53 Stat. 1197.-----	43	380a
Act Apr. 22, 1926, ch. 171, sec. 1, 44 Stat. 314.-----	50	154

Approved, October 10, 1940.

[CHAPTER 852]

AN ACT

October 10, 1940
[H. R. 10246]

[Public, No. 843]

To further amend the Act of July 30, 1937, authorizing the conveyance of a portion of the Stony Point Light Station Reservation to the Palisades Interstate Park Commission.

Stony Point Light
Station Reservation,
N. Y.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 30, 1937 (50 Stat. 549), as amended, authorizing the conveyance of a portion of the Stony Point Light Station Reservation to the Palisades Interstate Park Commission, is hereby further amended by adding at the end thereof a new section reading as follows:

Federal jurisdiction
over conveyed portion
relinquished to State
of New York.

"SEC. 3. Upon the acceptance thereof by the State of New York, all jurisdiction heretofore conferred on the United States of America by Act of March 23, 1826, of the Legislature of the State of New York, chapter 84, Laws of 1826, State of New York, over that portion of the Stony Point Light Station Reservation which is conveyed by the United States of America to the Palisades Interstate Park Commission pursuant to the authority contained in this Act be, and is hereby, ceded and forever relinquished to the State of New York. Nothing contained in this section shall be construed as affecting the jurisdiction of the United States of America over that portion of the Stony Point Light Station Reservation which is not conveyed to the Palisades Interstate Park Commission."

Retained portion.

Approved, October 10, 1940.

[CHAPTER 853]

AN ACT

October 10, 1940
[H. R. 10518]

[Public, No. 844]

Granting the consent of Congress to the Department of Highways and the county of Big Stone, State of Minnesota, to construct, maintain, and operate a free highway bridge across the Whetstone Diversion Channel at or near Ortonville, Minnesota.

Whetstone Diver-
sion Channel.
Bridge authorized
across, at Ortonville,
Minn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Department of Highways and the county of Big Stone, State of Minnesota, to construct, maintain, and operate a free highway bridge and approaches thereto across the

Whetstone Diversion Channel, at a point suitable to the interests of navigation, at or near Ortonville, Minnesota, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, October 10, 1940.

[CHAPTER 857]

JOINT RESOLUTION

Making an additional appropriation for national defense housing for the fiscal year ending June 30, 1941, and for other purposes.

34 Stat. 84.
33 U. S. C. §§ 491-498.
Right reserved.

October 14, 1940
[H. J. Res. 614]
[Pub. Res., No. 106]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1941, for the purposes enumerated:

National defense housing.
Additional appropriations, fiscal year 1941.

FEDERAL WORKS AGENCY

National defense housing: To enable the Federal Works Administrator to carry out the purposes of the Act entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes", H. R. 10412, as enacted into law during the Seventy-sixth Congress, \$75,000,000, to be expended in accordance with the provisions of such Act, to remain available until expended, and to be available for all necessary administrative expenses for the purposes hereof, including personal services and rent in the District of Columbia and elsewhere, printing and binding, and purchase, repair, operation, and maintenance of motor-propelled passenger-carrying vehicles; and in addition to such appropriation, authority is granted to enter into contracts or otherwise to incur obligations for the above purposes in amounts not to exceed in the aggregate \$75,000,000: *Provided*, That in no case under the foregoing appropriation or contractual authorization shall the fixed fee to be paid the contractor under any contract entered into without reference to section 3709 of the Revised Statutes of the United States on a cost-plus-a-fixed-fee basis exceed 6 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Administrator or the head of such Federal agency through which he may act: *Provided further*, That the fact that a contract is entered into under the provisions of the above mentioned Act without reference to section 3709 of the Revised Statutes of the United States shall not be construed to render inapplicable the provisions of the Act of March 3, 1931, as amended by the Act of August 30, 1935 (49 Stat. 1011; U. S. C., title 40, sec. 276 (a)), or the provisions of the Act of June 30, 1936 (49 Stat. 2036; U. S. C., title 41, secs. 35-45), to any contract to which the provisions of either or both of such Acts would otherwise apply.

Administrative expenses.

Post, pp. 1125, 1126.

Contracts, limitation.

Provisos.
Limitation on contractor's fee.

41 U. S. C. § 5.

Designated Acts not affected.

Wages.
40 U. S. C., Supp. V, § 276 (a).

Government contracts.
41 U. S. C., Supp. V, §§ 35-45.

DEPARTMENT OF AGRICULTURE

Enforcement of the Commodity Exchange Act: For an additional amount to enable the Secretary of Agriculture to carry into effect the provisions of the Commodity Exchange Act, as amended (7 U. S. C., 1-17a), and as further amended by the Act entitled "An Act to amend the Commodity Exchange Act, as amended, to extend its provisions to fats and oils, cottonseed, cottonseed meal, and peanuts", H. R. 4088, as enacted into law during the Seventy-sixth Congress, \$40,000.

Enforcement of Commodity Exchange Act.
49 Stat. 1491.

Extension of provisions.

Ante, p. 1059.

Approved, October 14, 1940.

[CHAPTER 858]

AN ACT

October 14, 1940

[S. 3636]

[Public, No. 845]

To amend the National Defense Act, as amended, so as to provide for retirement of assistant chiefs of branches and of wing commanders of the Air Corps with the rank and pay of the highest grade held by such officers as assistant chiefs and wing commanders, and for other purposes.

National Defense
Act, amendments.

53 Stat. 740.
10 U. S. C. § 1026;
Supp. V, § 1026.

Retirement of des-
ignated officers of Air
Corps.

Rank, pay, and al-
lowances.

Assistant chief of
branch or wing com-
mander.

Rank, pay, and al-
lowances.

No back pay.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth sentence of section 4c of the Act entitled "An Act for making further and more effectual provision for the national defense, and for other purposes", approved June 3, 1916, as amended by the Act of June 4, 1920 (41 Stat. 762), and as amended by the Act of May 12, 1939 (Public, Numbered 72, Seventy-sixth Congress), be, and the same is hereby, further amended to read as follows:

"Any officer who shall have served four years as chief or assistant chief of a branch or as commanding general of the General Headquarters Air Force or who shall have served two years as wing commander of the Air Corps and who may subsequently be retired, shall be retired with the rank, pay, and allowances authorized by law for the highest grade held by him as such chief, assistant chief, commanding general, or wing commander."

SEC. 2. Any officer who has heretofore served four years as assistant chief of branch of the Army or who has heretofore served two years as wing commander of the Air Corps and who has been retired in a grade below that of brigadier general, shall, on the date of approval of this Act, be advanced in rank upon the retired list to the highest grade held by him as such assistant chief or wing commander and shall receive the pay and allowances provided by law for such advanced rank.

SEC. 3. No back pay or allowances shall accrue by reason of this Act. Approved, October 14, 1940.

[CHAPTER 859]

AN ACT

October 14, 1940

[H. R. 8621]

[Public, No. 846]

To amend the Civil Service Retirement Act and other retirement Acts.

Civil Service Re-
tirement Act of 1930,
amendment.

Computation of ac-
credited service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 5 of the Civil Service Retirement Act of May 29, 1930 (46 Stat. 472; 5 U. S. C. 707), be amended to read as follows:

"SEC. 5. Subject to the provisions of section 9 hereof, the aggregate period of service which forms the basis for calculating the amount of any benefit provided in this Act shall be computed from the date of original employment, whether as a classified or an unclassified employee in the civil service of the United States, or in the service of the District of Columbia, including periods of service at different times and in one or more departments, branches, or independent offices, or the legislative branch of the Government, and also periods of service performed overseas under authority of the United States, and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States; in the case of an employee, however, who is eligible for and receives retired pay on account of military or naval service, the period of service upon which such retired pay is based shall not be included; in the case of an employee who is eligible for and receives a pension on account of non-service-connected disability under laws administered by the Veterans' Administration the minimum period of service necessary to entitle him to pension shall not be included; but in the case of an employee who is eligible for and receives pension or compensation under laws administered by the

Veterans' Administration on account of service-connected disability, all honorable military or naval service shall be included; and nothing in this Act shall be construed as to affect in any manner an employee's right to retired pay, pension, or compensation in addition to the annuity herein provided."

SEC. 2. That the first paragraph of section 97 of title 2, Canal Zone Code, be amended to read as follows:

Canal Zone Code,
amendment.
46 Stat. 1476.
Computation of ac-
credited service.

"SEC. 97. COMPUTATION OF ACCREDITED SERVICE.—Subject to the provisions of section 98 of this title, the service which shall form the basis for calculating the amount of any benefit provided in this Article shall be computed from the date of original employment, whether as a classified or an unclassified employee, in the civil service of the United States or under the municipal government of the District of Columbia, including periods of service at different times and in one or more departments, branches, or independent offices of the Government, and service on the Isthmus of Panama with the Isthmian Canal Commission, the Panama Canal, or the Panama Railroad Company; also periods of service performed overseas and under authority of the United States and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States. In the case of an employee, however, who is eligible for and receives retired pay on account of military or naval service, the period of service upon which such retired pay is based shall not be included; in the case of an employee who is eligible for and receives a pension on account of non-service-connected disability under laws administered by the Veterans' Administration the minimum period of service necessary to entitle him to pension shall not be included; but in the case of an employee who is eligible for and receives pension or compensation under laws administered by the Veterans' Administration on account of service-connected disability, all honorable military or naval service shall be included; and nothing in this Article shall be construed as to affect in any manner an employee's right to retired pay, pension, or compensation in addition to the annuity herein provided."

SEC. 3. That the first paragraph of section 7 of the Act entitled "An Act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States," approved June 29, 1936 (49 Stat. 2021; 5 U. S. C. 745f), as amended by the Act approved August 7, 1939 (Public Law Numbered 320, Seventy-sixth Congress), be further amended to read as follows:

Alaska Railroad Re-
tirement Act, amend-
ment.

53 Stat. 1246.
5 U. S. C., Supp. V.
§ 745f.

"SEC. 7. Subject to the provisions of section 8 hereof, the service which shall form the basis for calculating the amount of any benefit provided in this Act shall be computed from the date of original employment, whether as a classified or an unclassified employee in the civil service of the United States or under the municipal government of the District of Columbia, including periods of service at different times and in one or more departments, branches, or independent offices of the Government and service in Alaska with the Alaskan Engineering Commission and the Alaska Railroad, or of either of them, and service on the Isthmus of Panama with the Isthmian Canal Commission, the Panama Canal, or the Panama Railroad Company; also periods of service performed overseas under authority of the United States and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States. In the case of an employee, however, who is eligible for and receives retired pay on account of military or naval service, the period of service upon which such retired pay is based shall not be included; in the case of an employee who is eligible for and receives a pension on account of non-service-connected disability under laws administered by the Veterans' Administration the minimum period of service

Computation of ac-
credited service.

Foreign Service.
Retirement and dis-
ability system.

53 Stat. 1208.
22 U. S. C. § 21 (o);
Supp. V, § 21 (o).

Computation of pe-
riod of service.

Effective date.

necessary to entitle him to pension shall not be included; but in the case of an employee who is eligible for and receives pension or compensation under laws administered by the Veterans' Administration on account of service-connected disability, all honorable military or naval service shall be included; and nothing in this Act shall be construed as to affect in any manner an employee's right to retired pay, pension, or compensation in addition to the annuity herein provided."

SEC. 4. That the last clause of paragraph (o) of section 26 of the Act entitled "An Act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor", approved February 23, 1931 (46 Stat. 1213; 22 U. S. C. 21), as amended by the Act of August 5, 1939 (Public Law Numbered 277, Seventy-sixth Congress), be further amended to read as follows: "but in the case of a Foreign Service officer who is eligible for and receives retired pay on account of military or naval service, the period of service upon which such retired pay is based shall not be included; in the case of an employee who is eligible for and receives a pension on account of non-service-connected disability under laws administered by the Veterans' Administration the minimum period of service necessary to entitle him to pension shall not be included; but in the case of an employee who is eligible for and receives pension or compensation under laws administered by the Veterans' Administration on account of service-connected disability, all honorable military or naval service shall be included; and nothing in this Act shall be construed as to affect in any manner an employee's right to retired pay, pension, or compensation in addition to the annuity herein provided".

SEC. 5. This Act shall take effect the 1st day of the month next succeeding the date of enactment. Any person separated from the service prior to such effective date may, upon request, have his claim for retirement adjudicated under the terms of this Act; but no increase in annuity shall be allowed prior to such effective date nor shall this Act be construed so as to reduce the annuity of any person separated prior to its effective date.

Approved, October 14, 1940.

[CHAPTER 860]

AN ACT

October 14, 1940
[H. R. 8346]
[Public, No. 847]

To provide for the retirement of certain members of the Metropolitan Police Department of the District of Columbia, the United States Park Police force, the White House Police force, and the members of the Fire Department of the District of Columbia.

District of Colum-
bia.
Retirement of Met-
ropolitan Police, etc.

39 Stat. 718.

Voluntary retire-
ment.
Requirements.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes", approved September 1, 1916, is amended by adding after the fourth paragraph of such section a new paragraph to read as follows:

"Whenever any member of the Metropolitan Police Department of the District of Columbia, or of the United States Park Police force, or of the White House Police force, or the Fire Department of the District of Columbia has served twenty-five years or more as a member of such department or police force, or the Fire Department of the District of Columbia, or any combination of such service, or whenever any member of the United States Secret Service, who has served twenty-five years in the service of the United States Government, the

duties of whom in whole or in part related to the protection of the life of the President and who has actively performed duties other than clerical for ten years or more directly related to the protection of the President extended by the Secret Service Division and having reached the age of fifty-five years, he may, at his election, be retired from the service of any such police department or police force or Division or fire department, and shall be entitled to receive retirement compensation from the said policemen and firemen's relief fund, District of Columbia, in an amount equal to 50 per centum per annum of the salary received by him at the date of retirement: *Provided, however,* That in any fiscal year any such retirement shall be in accordance with such rules and regulations as may be adopted by the Commissioners of the District of Columbia, and in no fiscal year shall the amount of all such retirements authorized under the provisions of this paragraph aggregate more than \$30,000: *Provided further,* That, when any member of the United States Secret Service Division shall have performed service in connection with the protection of the President for ten years or more, thereby becoming subject to future retirement after twenty-five years' service under the provisions of this Act, that he shall be authorized to transfer all funds to his credit in the United States Civil Service Retirement Fund to the Policemen and Firemen's Relief Fund of the District of Columbia, and that after the transfer of such funds, the salary of that member shall be subject to the same deductions for credit to the Policemen and Firemen's Relief Fund of the District of Columbia as the deductions from salaries of other members contributing to that fund, and he shall be entitled to the same benefits as other members contributing to that fund."

Compensation.

Provisos.
Regulations.

Limitation.

U. S. Secret Service
Division.
Transfer of retire-
ment funds.

Approved, October 14, 1940.

[CHAPTER 861]

AN ACT

To amend an Act entitled "An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States", approved August 11, 1939 (53 Stat. 1418), and an Act entitled "An Act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes", approved August 28, 1937 (50 Stat. 869).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States", approved August 11, 1939 (53 Stat. 1418), is hereby amended to read as follows:

"SECTION 1. For the purpose of stabilizing water supply and thereby rehabilitating farmers on the land and providing opportunities for permanent settlement of farm families, the Secretary of the Interior (hereinafter referred to as "the Secretary") is hereby authorized to investigate and, upon compliance with the provisions of this Act, to construct water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States, and to operate and maintain each such project in accordance with the provisions of this Act: *Provided,* That the United States shall retain title to the dams, reservoirs, irrigation, and other project works until Congress otherwise provides: *And provided further,* That expenditures from appropriations made directly pursuant to the authority contained in section 12 (1) to meet reimbursable construction costs allocated to irrigation as defined in section 4 (b) shall not exceed \$1,000,000 for dams and reservoirs in any one project.

October 14, 1940
[H. R. 10122]
[Public, No. 848]Great Plains, etc.,
water conservation.16 U. S. C., Supp. V,
§§ 590y-590bb.Water conservation
and utilization proj-
ects.Provisos.
Federal title to proj-
ect works.Expenditures to
meet reimbursable
costs, limitation.

Utilization of services, etc., of other agencies.

"SEC. 2. In connection with the investigation, construction, or operation and maintenance of a project, pursuant to the authority of this Act, the Secretary is authorized to utilize (1) in such manner as the President may direct, services, labor, materials, or other property, including money, supplied by the Work Projects Administration, the Civilian Conservation Corps, the Office of Indian Affairs, the Department of Agriculture, or any other Federal agency, for which the United States shall be reimbursed in such amounts as the President may fix for each project, within the limits of the water users' ability to repay costs as found by the Secretary under subsection 3 (a) (iv); and (2) such services, labor, materials, easements or property, including money, as may be contributed by any State or political subdivision thereof, State agency, municipal corporation, or other organization, or individuals, if, in the judgment of the Secretary, the acceptance thereof will not impair the title of the United States to the project works and will not reduce the probability that the project water users can meet the obligations to the United States entered into pursuant to this Act. Moneys received and accepted under (2) of this section shall be and remain available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes.

Use of moneys received.

Investigations.

"SEC. 3. (a) No construction of a project may be undertaken pursuant to the authority of this Act unless and until the Secretary has made an investigation thereof and has submitted to the President his report and findings on—

Reports and findings.

"(i) the engineering feasibility of the proposed construction;

"(ii) the estimated cost of the proposed construction;

"(iii) the part of the estimated cost which properly can be allocated to irrigation;

"(iv) the part of the estimated cost which probably can be repaid by the water users in accordance with the requirements of section 4;

"(v) the part of the estimated cost which can properly be allocated to municipal or miscellaneous water supplies or power and probably be returned to the United States in revenues therefrom;

"(vi) the part of the estimated cost which can properly be allocated to the irrigation of Indian trust and tribal lands, and be repayable in accordance with existing law relating to Indian lands;

"(vii) the part of the estimated cost which can properly be allocated to flood control as recommended by the Chief of Engineers, War Department.

Participation by Department of Agriculture.

In connection with each such investigation, report, and finding, the Secretary shall consult with the Secretary of Agriculture regarding participation in the proposed project by the Department of Agriculture under the authority of sections 5 and 6; and the Secretary shall also transmit to the President a report by the Secretary of Agriculture to the President on the participation, if any, proposed by the Department of Agriculture. The project shall be deemed authorized and may be undertaken pursuant to this Act if (1) the Secretary finds and certifies to the President that the project has engineering feasibility and that the water users probably can repay, in accordance with the requirements of section 4, an amount equal to or in excess of that part of the estimated cost allocated by him to irrigation to be met by expenditure of moneys appropriated pursuant to section 12 (1); and (2) the President has approved said report and findings and has found that services, labor, materials, easements, and other property, including money, for

When project deemed authorized.

Findings.

Availability of services, property, etc.

the construction of the project, should be made available to the Department of the Interior by the Work Projects Administration or other Federal agencies, to the extent found necessary by the Secretary to make up the difference between the estimated cost of project construction and (i) the part thereof to be met by expenditure of moneys appropriated pursuant to section 12 (1), together with (ii) such services, materials, money, easements, and other property as non-Federal agencies or parties have agreed to contribute and the Secretary has found acceptable under section 2.

“(b) No actual construction of the physical features of a project, which meets the requirements of subsection (a) shall be undertaken unless and until (1) rights-of-way and other interests in land deemed by the Secretary to be necessary for the construction and operation of the major features of the project works have been secured, with titles or easements and at prices satisfactory to the Secretary; and (2) the Secretary has found (i) that water rights adequate for the purposes of the project have been acquired with titles and at prices satisfactory to him, or have been initiated and can be perfected in conformity with State law and any applicable interstate agreements and in a manner satisfactory to him; and (ii) that such water rights can be utilized for the purposes of the project in conformity with State law and any applicable interstate agreements and in a manner satisfactory to him.

“SEC. 4. (a) No water for irrigation may be delivered from the works of any project constructed under the authority of this Act until after the repayment contract or contracts required by this section have been executed. Where practicable in the judgment of the Secretary, the repayment contract shall be with a water users’ organization or organizations satisfactory in form and powers to the Secretary; and otherwise the repayment contract shall be with the individual land-owners. The contract or contracts shall contain such provisions as the Secretary deems necessary to carry out the purposes of this Act and to protect the interests of the United States.

“(b) The term ‘reimbursable construction costs’ as used in this Act means that part of the costs of investigating, constructing, and operating and maintaining the project, which are allocated by the Secretary to irrigation, and which are met by expenditures of moneys therefor appropriated under the authority of section 12 (1), plus such amounts as the President, under section 2 (1), may determine to be reimbursable: *Provided*, That administrative expenses incurred in the District of Columbia in connection with the investigation, construction, or operation and maintenance of a project shall not be included in the reimbursable construction costs nor shall they be charged to the water users in any way.

“(c) The repayment contract or contracts for a project shall, in their aggregate, provide for repayment to the United States of the total amount of the reimbursable construction costs of the project allocated to irrigation. Each such contract shall provide, among other things, that—

“(1) The Secretary shall fix a development period for each project of not to exceed ten years from and including the first calendar year in which water is delivered for the lands in said project; and during the development period water shall be delivered to the lands in the project involved at a charge per acre-foot, or other charge, to be fixed by the Secretary each year and to be paid in advance of delivery of water. Such charges shall be fixed with a view of returning such amounts as in the Secretary’s judgment are justified by the rate of project development, including as a minimum the return over the full development period of that part of the cost of operating and maintaining the project, during said period, allocated by the Secre-

Contribution by
non-Federal agencies.

Rights-of-way to be
secured before con-
struction.

Acquisition of water
rights, etc.

Repayment con-
tracts.

“Reimbursable con-
struction costs.”

Provido.
Administrative ex-
penses.

Provisions of repay-
ment contract.

Development pe-
riod.

Water charges.

tary to irrigation; and collections of such charges in excess of the cost of the operation and maintenance during the development period, as thereafter determined by the Secretary, shall be credited to the reimbursable construction costs of the project in the manner determined by the Secretary.

Federal operation.

"(2) The United States shall operate and maintain the project during the development period fixed for it. After the development period, the United States shall operate and maintain the project or any part thereof as long as is deemed necessary by the Secretary, and shall be paid in advance for each year that part of the estimated cost of operating and maintaining the project for such year allocated by the Secretary to irrigation. In the event charges due the United States are not paid when due the United States may, at its election, suspend operations in whole or in part.

Suspension for non-payment of charges.

Spread of certain repayments.

"(3) The repayment of the reimbursable construction costs, except as to Indian lands which shall be repayable in accordance with existing law relating to Indian lands, shall be spread in not to exceed forty annual installments, of the number and amounts fixed by the Secretary; and the first annual installment under each contract shall become due and payable on the date fixed by the Secretary, in the year next following the last year of the development period fixed under subsection (c) (1): *Provided*, That the provisions of this subsection shall not be construed to modify the provisions of special legislation pertaining to any particular project.

Date of first installment.

Proviso.
Provisions not affected.

Accounting.

"(4) The water users or their organization will take such measures as the Secretary deems proper to secure the adoption of proper accounting, to protect the condition of project works, and to provide for the proper use thereof, and to protect project lands against deterioration due to improper use of water. Delinquencies in any payments due to the United States shall be penalized by a penalty of not less than one-half of 1 per centum per month. No water shall be delivered to or for any land or party while either said land or the organization in which it is located or said party is in arrears in the advance payment of operation and maintenance charges or development period charges under subsection (c) (1), or in arrears for more than twelve months in the payment of an installment of the reimbursable construction costs.

Delinquencies in payments, penalties.

Size of farm units of irrigable lands.

"(5) The Secretary shall establish the size of farm units of irrigable lands on each project in accordance with his findings of the area sufficient in size for the support of a family on the lands to be irrigated. No water may be delivered to or for more than the farm unit area of irrigable lands in the project owned by a single landowner: *Provided*, That this subsection shall not apply to the United States or any agency or instrumentality thereof, corporate or otherwise. No water shall be delivered to or for any land, in a project area, transferred or disposed of subsequent to approval of the project by the President, and within three years from the time water becomes available, unless and until it has been shown to the satisfaction of the Secretary or his duly authorized representative that the land has been transferred or disposed of at a price not exceeding the appraised value as determined by the Secretary or his duly authorized representatives, and upon proof of fraudulent representation as to the true consideration involved the Secretary is authorized to cancel the water right attaching to the land involved: *Provided further*, That nothing herein shall be construed to create authority to interfere with the delivery of water under prior rights.

Delivery of water under prior rights.

Cooperative rehabilitation program.

"SEC. 5. (a) In connection with the construction or operation and maintenance of projects undertaken pursuant to the authority of this Act, and in order to further in the Great Plains and arid and

semiarid areas of the United States an effective rehabilitation program, stabilization of the agricultural economy and maximum utilization of funds spent for relief purposes, the Secretary of Agriculture is hereby authorized, pursuant to cooperative agreement with the Secretary of the Interior, (1) to arrange for the settlement of the projects on a sound agricultural basis, and insofar as practicable, the location thereon of persons in need; (2) to extend guidance and advice to settlers thereon in matters of farm practice, soil conservation, and efficient land use; (3) to acquire agricultural lands within the boundaries of such projects, with titles and at prices satisfactory to him; and (4) to arrange for the improvement of lands within the project boundaries, including clearing, leveling, and preparing them for distribution of irrigation water. Contracts between the United States and water users or water users' organizations for the lease or purchase of, or the improvement of, lands within such projects shall provide for annual or semiannual payments to the United States, of the number and amounts fixed by the Secretary of Agriculture. The lease, purchase, or improvement contracts for each tract of land shall provide in the aggregate for the return, in not to exceed fifty years from the date the land is first settled upon, of the costs incurred by the United States in acquiring and improving such tract of land with funds appropriated under authority of section 12 (2), except administrative expenses incurred in the District of Columbia, together with interest on unpaid balances of said costs at not less than 3 per centum per annum. Such lease, purchase, or improvement contracts shall also provide for the fulfillment of such obligations related to reimbursable construction costs and operation and maintenance charges as may be applicable to such lands in accordance with the repayment contract or contracts required by section 4.

"(b) For the purposes of this section, the Secretary of Agriculture may utilize (1) in such manner as the President may direct, services, labor, materials, or other property, including money, supplied by the Work Projects Administration, the Civilian Conservation Corps, the Office of Indian Affairs, the Department of Agriculture, or any other Federal agency to the extent that the President, upon the report and recommendations of the Secretary of Agriculture, finds that the same should be supplied in assistance of such improvement work, and for which the United States shall be reimbursed in such amounts as the President may fix for each project; and (2) such services, labor, materials, easements, or other property, including money, as may be contributed by any State or political subdivision thereof, State agency, municipal corporation, or other organization, or individuals. Moneys received and accepted under (2) of this subsection shall remain available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes.

"SEC. 6. The Secretary, by cooperative agreements, may arrange with the Department of Agriculture or with such other Federal or State agencies, as the President may deem desirable, for cooperation in the investigations and surveys of projects proposed under the authority of this Act; and in connection with any such project which is undertaken the Secretary by such cooperative agreements may arrange for such cooperation in the construction or operation and maintenance of the project as he deems desirable. Any such cooperative agreement with the Department of Agriculture may provide, among other things (1) that the Secretary of Agriculture shall enter into the repayment contracts, required by section 4, and shall handle the collections of repayments and shall take over the other adminis-

Settlement of projects.

Guidance to settlers.

Acquisition of agricultural lands.

Improvement of lands.

Contracts between U. S. and water users for lease, etc., of lands.

Return of costs incurred by U. S.

Assistance of other agencies; reimbursement.

Cooperative agreements. Investigations and surveys of proposed projects.

Provisions to be included.

Jurisdiction over repayment contracts.

Arrearage penalty.	<p>trative duties connected with the project, after the Secretary of the Interior announces that the project is ready for operation; (2) if such agreement be entered into after construction of the project has been undertaken by the Secretary of the Interior and after he has entered into the repayment contracts required by section 4, that the Secretary of Agriculture shall take over the collection of repayments and other administrative duties connected with the project; (3) that no water shall be delivered to or for any land or party while the owner of said land or said party is in arrears for more than twelve months in the payment to the United States of money due and payable under a land contract entered into pursuant to section 5 (a); and (4) that any repayment contract with a water user or water users' organization entered into pursuant to section 4 and any land contract with the same water user or organization entered into pursuant to section 5 (a), if said contracts involve the same land, may be combined in a single instrument. The Secretary of Agriculture is hereby authorized to carry out the provision of any such cooperative agreements.</p>
Combination of contracts.	<p>"SEC. 7. On any one project undertaken pursuant to the Act of August 28, 1937, entitled "An Act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes" (50 Stat. 869), as amended and supplemented, expenditures for the construction, maintenance, operation, rehabilitation or financial assistance of any one project, shall not exceed \$50,000 of Federal funds, whether appropriated or allotted or both. All project facilities and appurtenances which depend for their utility in whole or in part upon each other or upon any common facility shall be deemed one project within the meaning of this section.</p>
16 U. S. C., Supp. V, §§ 593r-590x. Limitation on expenditures.	<p>"SEC. 8. All payments made to the United States under repayment contracts on account of reimbursable construction costs, including penalties collected for delinquencies in such payments, and all other receipts from project operations pursuant to sections 4 and 9 shall be covered into the Treasury to the credit of miscellaneous receipts. Charges collected during the development period of a project under section 4 (c) (1), excepting such amounts thereof as may be credited to reimbursable construction costs, and charges collected for the operation and maintenance of a project under section 4 (c) (2) shall be available for expenditure for operation and maintenance of said project in like manner as if said funds had been specifically appropriated for said purposes.</p>
Combination of project facilities.	<p>"SEC. 9. In connection with any project undertaken pursuant to this Act, provisions, including contracts of sale, may be made for furnishing municipal or miscellaneous water supplies, or for developing and furnishing power in addition to the power requirements of irrigation: <i>Provided</i>, That expenditures from appropriations made directly pursuant to the authority contained in section 12 (1) to meet costs allocated to municipal or miscellaneous water supplies or surplus power shall not exceed \$500,000 for any one project: <i>Provided further</i>, That no contract relating to a water supply for municipal or miscellaneous purposes or to electric power shall be made unless, in the judgment of the Secretary, it will not impair the efficiency of the project for irrigation purposes. On any project where such provisions are made, the Secretary shall allocate to municipal or miscellaneous water purposes or to surplus power the part of the estimated construction costs of the project which he deems properly so allocable; and such allocations shall not be included in the reimbursable construction costs covered by the repayment contract or contracts required under section 4. All right, title, and interest</p>
Disposition of receipts from project operations.	
Availability of certain funds.	
Furnishing of water supplies, power, etc.	
Provisos. Limitation on expenditure.	
Restriction on contracts.	
Federal title:	

in the facilities provided for such municipal or miscellaneous water supplies or surplus power and the revenues derived therefrom shall be and remain in the United States. Contracts for such municipal or miscellaneous water supplies or for such surplus power shall be at such rates as, in the Secretary's judgment, will produce revenues at least sufficient to cover the appropriate share of the annual operation and maintenance cost of the project and such fixed charges, including interest, as the Secretary deems proper. Contracts for the sale of surplus power shall be for periods not to exceed forty years and contracts for water supply for municipal or miscellaneous purposes shall be for such periods as the Secretary may determine and may include such renewal options as the Secretary deems desirable: *And provided further*, That in sales or leases of such power, preference shall be given to municipalities and other public corporations or agencies; and also to cooperatives and other non-profit organizations financed in whole or in part by loans made pursuant to the Rural Electrification Act of 1936 and any amendments thereof.

"SEC. 10. (a) In connection with any project constructed pursuant to the provisions of this Act, the Secretary shall have the same authority, with regard to the utilization of lands owned by the United States, other than lands acquired under section 5 as he has in connection with projects undertaken pursuant to the Federal reclamation laws, Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto.

"(b) In connection with the construction or operation and maintenance of a project undertaken pursuant to the authority of this Act, the Secretary shall have with respect to construction and supply contracts, and with respect to the acquisition, exchange, and disposition of lands, interest in lands, water rights, and other property and the relocation thereof, the same authority, including authority to acquire lands and interests in land and water rights with titles and at prices satisfactory to him, which he has in connection with projects under the Federal reclamation laws.

"SEC. 11. The Secretary of the Interior and the Secretary of Agriculture are hereby authorized to perform any and all Acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying out their respective functions under this Act and for the purpose of carrying the provisions of this Act into full force and effect.

"SEC. 12. To carry out the purposes of this Act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated (1) for the Department of the Interior such sums as may be necessary to carry out its functions under this Act, and (2) for the Department of Agriculture such sums as may be necessary to carry out its functions under this Act."

Approved, October 14, 1940.

[CHAPTER 862]

AN ACT

To expedite the provision of housing in connection with national defense, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. In order to provide housing for persons engaged in national-defense activities, and their families, in those areas or localities in which the President shall find that an acute shortage of housing exists or impends which would impede national-defense activities

Rates.

Duration of contracts.

Preference in sales or leases.

49 Stat. 1363.
7 U. S. C., Supp. V,
§§ 901-914.

Authority of Secretary to utilize Federal lands.

43 U. S. C., ch. 12;
Supp. V, ch. 12.

Authority to acquire lands, etc.

Administrative provisions.

Appropriations authorized.

October 14, 1940
[H. R. 10412]
[Public, No. 849]

National defense housing.
Authority of Federal Works Administrator.
Ante, pp. 681, 1115.

and that such housing would not be provided by private capital when needed, the Federal Works Administrator (hereinafter referred to as the "Administrator") is authorized:

Acquisition of lands,
etc.
40 U. S. C. § 1339;
41 U. S. C. § 5.

40 U. S. C. § 40a;
Supp. V, § 40a.
40 U. S. C. § 34.

40 U. S. C. §§ 257-
258e, 361-386; Supp.
V, § 385.

Planning and con-
struction of buildings,
etc.

(a) To acquire prior to the approval of title by the Attorney General (without regard to sections 1136, as amended, and 3709 of the Revised Statutes) improved or unimproved lands or interests in lands by purchase, donation, exchange, lease (without regard to section 322 of the Act of June 30, 1932 (47 Stat. 412), as amended, the Act of March 3, 1877 (19 Stat. 370), or any time limit on the availability of funds for the payment of rent), or condemnation (including proceedings under the Acts of August 1, 1888 (25 Stat. 357), March 1, 1929 (45 Stat. 1415), and February 26, 1931 (46 Stat. 1421)).

(b) By contract or otherwise (without regard to sections 1136, as amended, and 3709 of the Revised Statutes, section 322 of the Act of June 30, 1932 (47 Stat. 412), or any Federal, State, or municipal laws, ordinances, rules, or regulations relating to plans and specifications or forms of contract, the approval thereof or the submission of estimates therefor) prior to the approval of title by the Attorney General to make surveys and investigations, plan, design, construct, remodel, extend, repair, or demolish structures, buildings, improvements, and community facilities, on lands or interests in lands acquired under the provisions of subsection (a) hereof or on other lands of the United States which may be available (transfers of which for this purpose by the Federal agency having jurisdiction thereof are hereby authorized notwithstanding any other provisions of law), provide proper approaches thereto, utilities, and transportation facilities, and procure necessary materials, supplies, articles, equipment, machinery, and do all things necessary in connection therewith to carry out the purposes of this Act: *Provided*, That the cost-plus-a-percentage-of-cost system of contracting shall not be used, but this proviso shall not be construed to prevent the use of the cost-plus-a-fixed-fee form of contract: *Provided*, That the cost per family dwelling unit shall not exceed an average of \$3,000 for those units located within the continental United States nor an average of \$4,000 for those located elsewhere, and the cost of no family dwelling unit shall exceed \$3,950 within the continental United States or \$4,750 elsewhere, exclusive of expenses of administration, land acquisition, public utilities, and community facilities, and the aggregate cost of community facilities shall not exceed 3 per centum of the total cost of all projects.

Provisos.
Cost-plus contracts.

Family dwelling
units, cost limitations.

Community facili-
ties.

"Persons engaged in
national-defense activi-
ties" defined.

"Federal agency."

Appropriation au-
thorized.
Ante, p. 1115.

Proviso.
Reimbursement to
designated emergency
funds.

SEC. 2. As used in this Act (a) the term "persons engaged in national-defense activities" shall include (1) enlisted men in the naval or military services of the United States; (2) employees of the United States in the Navy and War Departments assigned to duty at naval or military reservations, posts, or bases; (3) workers engaged or to be engaged in industries connected with and essential to the national defense; (b) the term "Federal agency" means any executive department or office (including the President), independent establishment, commission, board, bureau, division, or office in the executive branch of the United States Government, or other agency of the United States, including corporations in which the United States owns all or a majority of the stock, directly or indirectly.

SEC. 3. The sum of \$150,000,000, to remain available until expended, is hereby authorized to be appropriated to carry out the purposes of this Act in accordance with the authority therein contained and for administrative expenses in connection therewith: *Provided, however*, That the Administrator is authorized to reimburse, from funds which may be appropriated pursuant to the authority of this Act, the sum of \$3,300,000 to the emergency funds made available to the President under the Act of June 11, 1940, entitled "An Act making appropriations for

the Navy Department and the naval service for the fiscal year ending June 30, 1941, and for other purposes" (Public, Numbered 588), and the sum of \$6,700,000 to the emergency funds made available to the President under the Military Appropriation Act, 1941, approved June 13, 1940 (Public, Numbered 611).

SEC. 4. When the President shall have declared that the emergency declared by him on September 8, 1939, to exist, has ceased to exist (a) the authority contained in section 1 hereof shall terminate except with respect to contracts on projects previously entered into or undertaken and court proceedings then pending, and (b) property acquired or constructed under this Act shall be disposed of as promptly as may be advantageous under the circumstances and in the public interest.

SEC. 5. Where any Federal agency has funds for the provision of housing in connection with national-defense activities it may, in its discretion, make transfers of those funds, in whole or in part, to the Administrator, and the funds so transferred shall be available for, but only for, any or all of the objects and purposes of and in accordance with all the authority and limitations contained in this Act, and for administrative expenses in connection therewith.

SEC. 6. Moneys derived from rental or operation of property acquired or constructed under the provisions of this Act shall be returned to the appropriation authorized by this Act and shall be available for expenses of operation and maintenance including administrative expenses in connection therewith, and the unobligated balance of the moneys so deposited shall be covered into the Treasury at the end of each fiscal year as miscellaneous receipts.

SEC. 7. Notwithstanding any other provisions of law, whether relating to the acquisition, handling, or disposal of real or other property by the United States or to other matters, the Administrator, with respect to any property acquired or constructed under the provisions of this Act, is authorized by means of Government personnel, selected qualified private agencies, or public agencies (a) to deal with, maintain, operate, administer, and insure; (b) to pursue to final collection by way of compromise or otherwise, all claims arising therefrom; (c) to rent, lease, exchange, sell for cash or credit, and convey the whole or any part of such property and to convey without cost portions thereof to local municipalities for street or other public use: *Provided*, That any such transaction shall be upon such terms, including the period of any lease, as may be deemed by the Administrator to be in the public interest: *Provided further*, That the Administrator shall fix fair rentals, on projects developed pursuant to this Act, which shall be within the financial reach of persons engaged in national defense: *Provided further*, That any lease authorized hereunder shall not be subject to the provisions of section 321 of the Act of June 30, 1932 (47 Stat. 412).

SEC. 8. In carrying out the provisions of this Act the Administrator is authorized to utilize and act through the Federal Works Agency and other Federal agencies and any local public agency, with the consent of such agency, and any funds appropriated pursuant to this Act shall be available for transfer to any such agency in reimbursement therefor. Nothing in this Act shall be construed to prevent the Administrator from employing or utilizing the professional services of private persons, firms, or corporations.

SEC. 9. The Administrator may enter into any agreements to pay annual sums in lieu of taxes to any State or political subdivision thereof, with respect to any real property acquired and held by him under this Act, including improvements thereon. The amount so paid for any year upon any such property shall not exceed the taxes that

Ante, p. 297.

Ante, p. 377.

Termination of authority.

Transfer of housing funds.

Use of rental moneys, etc.

Management, etc., of property.

Provisos.
Terms of transactions.
Fair rentals.

Leases.
40 U. S. C. § 303b.

Utilization of Federal agencies, etc.

Payments in lieu of taxes.

State jurisdiction
over acquired prop-
erty.

Rules and regula-
tions.

Computation of la-
borers', etc., wages.

Separability clause.

Report to Congress.

would be paid to the State or subdivision, as the case may be, upon such property if it were not exempt from taxation.

SEC. 10. Notwithstanding any other provision of law, the acquisition by the Administrator of any real property pursuant to this Act shall not deprive any State or political subdivision thereof of its civil and criminal jurisdiction in and over such property, or impair the civil rights under the State or local law of the inhabitants on such property.

SEC. 11. The Administrator is authorized to make such rules and regulations as may be necessary to carry out the provisions of this Act, and shall establish reasonable standards of safety, convenience, and health.

SEC. 12. Notwithstanding any other provision of law, the wages of every laborer and mechanic employed on any construction, repair or demolition work authorized by this Act shall be computed on a basic day rate of eight hours per day and work in excess of eight hours per day shall be permitted upon compensation for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay. Not less than the prevailing wages shall be paid in the construction of defense housing authorized herein.

SEC. 13. If any provision of this Act, or the application thereof to any persons or circumstances, is held invalid, the remainder of this Act, or application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 14. At the beginning of each session of Congress, the Administrator shall make to Congress a full and detailed report covering all of the transactions authorized hereunder.

Approved, October 14, 1940.

[CHAPTER 871]

AN ACT

October 14, 1940
[S. 162]
[Public, No. 850]

To protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes.

Wool Products La-
beling Act of 1939.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Wool Products Labeling Act of 1939".

DEFINITIONS

SEC. 2. As used in this Act—

"Person."

(a) The term "person" means an individual, partnership, corporation, association, or any other form of business enterprise, plural or singular, as the case demands.

"Wool."

(b) The term "wool" means the fiber from the fleece of the sheep or lamb or hair of the Angora or Cashmere goat (and may include the so-called specialty fibers from the hair of the camel, alpaca, llama, and vicuna) which has never been reclaimed from any woven or felted wool product.

"Reprocessed wool."

(c) The term "reprocessed wool" means the resulting fiber when wool has been woven or felted into a wool product which, without ever having been utilized in any way by the ultimate consumer, subsequently has been made into a fibrous state.

"Reused wool."

(d) The term "reused wool" means the resulting fiber when wool or reprocessed wool has been spun, woven, knitted, or felted into a wool product which, after having been used in any way by the ultimate consumer, subsequently has been made into a fibrous state.

(e) The term "wool product" means any product, or any portion of a product, which contains, purports to contain, or in any way is represented as containing wool, reprocessed wool, or reused wool.

"Wool product."

(f) The term "Commission" means the Federal Trade Commission.

"Commission."

(g) The term "Federal Trade Commission Act" means the Act of Congress entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", approved September 26, 1914, as amended, and the Federal Trade Commission Act approved March 21, 1938.

"Federal Trade Commission Act."

38 Stat. 717; 52 Stat. 111.
15 U. S. C. §§ 41-51; Supp. V, §§ 41-58.

(h) The term "commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

"Commerce."

(i) The term "Territory" includes the insular possessions of the United States and also any Territory of the United States.

"Territory."

MISBRANDING DECLARED UNLAWFUL

SEC. 3. The introduction, or manufacture for introduction, into commerce, or the sale, transportation, or distribution, in commerce, of any wool product which is misbranded within the meaning of this Act or the rules and regulations hereunder, is unlawful and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act; and any person who shall manufacture or deliver for shipment or ship or sell or offer for sale in commerce, any such wool product which is misbranded within the meaning of this Act and the rules and regulations hereunder is guilty of an unfair method of competition, and an unfair and deceptive act or practice, in commerce within the meaning of the Federal Trade Commission Act.

Misbranding declared unlawful.

38 Stat. 717; 52 Stat. 111.
15 U. S. C. §§ 41-51; Supp. V, §§ 41-58.

This section shall not apply—

Exemptions.

(a) To any common carrier or contract carrier in respect to a wool product shipped or delivered for shipment in commerce in the ordinary course of its business; or

(b) To any person manufacturing, delivering for shipment, shipping, selling, or offering for sale, for exportation from the United States to any foreign country a wool product branded in accordance with the specifications of the purchaser and in accordance with the laws of such country.

MISBRANDED WOOL PRODUCTS

SEC. 4. (a) A wool product shall be misbranded—

(1) If it is falsely or deceptively stamped, tagged, labeled, or otherwise identified.

Misbranded wool products.
Falsely labeled, etc.

(2) If a stamp, tag, label, or other means of identification, or substitute therefor under section 5, is not on or affixed to the wool product and does not show—

No stamp, etc., affixed.
Specified information not shown.

(A) the percentage of the total fiber weight of the wool product, exclusive of ornamentation not exceeding 5 per centum of said total fiber weight, of (1) wool; (2) reprocessed wool; (3) reused wool; (4) each fiber other than wool if said percentage by weight of such fiber is 5 per centum or more; and (5) the aggregate of all other fibers: *Provided*, That deviation of the fiber contents of the wool product from percentages stated on the stamp, tag, label, or other means of identification, shall not be misbranding under this section if the person charged

with misbranding proves such deviation resulted from unavoidable variations in manufacture and despite the exercise of due care to make accurate the statements on such stamp, tag, label, or other means of identification.

(B) the maximum percentage of the total weight of the wool product, of any nonfibrous loading, filling, or adulterating matter.

(C) the name of the manufacturer of the wool product and/or the name of one or more persons subject to section 3 with respect to such wool product.

Wool contents not legibly stated.

(3) In the case of a wool product containing a fiber other than wool, if the percentages by weight of the wool contents thereof are not shown in words and figures plainly legible.

(4) In the case of a wool product represented as wool, if the percentages by weight of the wool content thereof are not shown in words and figures plainly legible, or if the total fiber weight of such wool product is not 100 per centum wool exclusive of ornamentation not exceeding 5 per centum of such total fiber weight.

Additional information.

(b) In addition to information required in this section, the stamp, tag, label, or other means of identification, or substitute therefor under section 5, may contain other information not violating the provisions of this Act or the rules and regulations of the Commission.

Replacing of label.

(c) If any person subject to section 3 with respect to a wool product finds or has reasonable cause to believe its stamp, tag, label, or other means of identification, or substitute therefor under section 5, does not contain the information required by this Act, he may replace same with a substitute containing the information so required.

Designations on garments, etc.

(d) This section shall not be construed as requiring designation on garments or articles of apparel of fiber content of any linings, paddings, stiffening, trimmings, or facings, except those concerning which express or implied representations of fiber content are customarily made, nor as requiring designation of fiber content of products which have an insignificant or inconsequential textile content: *Provided*, That if any such article or product purports to contain or in any manner is represented as containing wool, this section shall be applicable thereto and the information required shall be separately set forth and segregated.

Proviso.
Applicability.

Announcement of classes.

The Commission, after giving due notice and opportunity to be heard to interested persons, may determine and publicly announce the classes of such articles concerning which express or implied representations of fiber content are customarily made, and those products which have an insignificant or inconsequential textile content.

AFFIXING OF STAMP, TAG, LABEL, OR OTHER IDENTIFICATION

Affixing of label, etc., to wool product.

SEC. 5. Any person manufacturing for introduction, or first introducing into commerce a wool product shall affix thereto the stamp, tag, label, or other means of identification required by this Act, and the same, or substitutes therefor containing identical information with respect to content of the wool product or any other products contained therein in an amount of 5 per centum or more by weight and other information required under section 4, shall be and remain affixed to such wool product, whether it remains in its original state or is contained in garments or other articles made in whole or in part therefrom, until sold to the consumer: *Provided*, That the name of the manufacturer of the wool product need not appear on the substitute stamp, tag, or label if the name of the person who affixes the substitute appears thereon.

Proviso.
Name of manufacturer on substitute label; exception.

Unfair method of competition.

Any person who shall cause or participate in the removal or mutilation of any stamp, tag, label, or other means of identification affixed to a wool product with intent to violate the provisions of

this Act, is guilty of an unfair method of competition, and an unfair and deceptive act or practice, in commerce within the meaning of the Federal Trade Commission Act.

38 Stat. 719.
15 U. S. C. § 45;
Supp. V, § 45.

ENFORCEMENT OF THE ACT

SEC. 6. (a) Except as otherwise specifically provided herein, this Act shall be enforced by the Federal Trade Commission under rules, regulations, and procedure provided for in the Federal Trade Commission Act.

Enforcement of Act.
38 Stat. 717; 52 Stat.
111,
15 U. S. C. §§ 41-51;
Supp. V, §§ 41-58.

The Commission is authorized and directed to prevent any person from violating the provisions of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act; and any such person violating the provisions of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this Act.

Authority of Com-
mission.

Penalties.

The Commission is authorized and directed to make rules and regulations for the manner and form of disclosing information required by this Act, and for segregation of such information for different portions of a wool product as may be necessary to avoid deception or confusion, and to make such further rules and regulations under and in pursuance of the terms of this Act as may be necessary and proper for administration and enforcement.

Rules and regula-
tions.

The Commission is also authorized to cause inspections, analyses, tests, and examinations to be made of any wool products subject to this Act; and to cooperate with any department or agency of the Government, with any State, Territory, or possession, or with the District of Columbia; or with any department, agency, or political subdivision thereof; or with any person.

Inspections, etc., of
wool products.

(b) Every manufacturer of wool products shall maintain proper records showing the fiber content as required by this Act of all wool products made by him, and shall preserve such records for at least three years.

Maintenance of
records.

The neglect or refusal to maintain and so preserve such records is unlawful, and any such manufacturer who neglects or refuses to maintain and so preserve such records shall forfeit to the United States the sum of \$100 for each day of such failure, which shall accrue to the United States and be recoverable in a civil action.

Forfeiture for neg-
lect, etc.

CONDEMNATION AND INJUNCTION PROCEEDINGS

SEC. 7. (a) Any wool products shall be liable to be proceeded against in the district court of the United States for the district in which found, and to be seized for confiscation by process of libel for condemnation, if the Commission has reasonable cause to believe such wool products are being manufactured or held for shipment, or shipped, or held for sale or exchange after shipment, in commerce in violation of the provisions of this Act, and if after notice from the Commission the provisions of this Act with respect to said products are not shown to be complied with. Proceedings in such libel cases shall conform as nearly as may be to suits in rem in admiralty, and may be brought by the Commission.

Condemnation, etc.

If such wool products are condemned by the court, they shall be disposed of, in the discretion of the court, by destruction; by sale;

Disposition, etc.

by delivery to the owner or claimant thereof upon payment of legal costs and charges and upon execution of good and sufficient bond to the effect that such wool products will not be disposed of until properly stamped, tagged, labeled, or otherwise identified under the provisions of this Act; or by such charitable disposition as the court may deem proper. If such wool products are disposed of by sale, the proceeds, less legal costs and charges, shall be paid into the Treasury of the United States.

Injunction proceed-
ings.

(b) Whenever the Commission has reason to believe that—

(1) Any person is violating, or is about to violate, sections 3, 5, 8, or 9 of this Act, and that

(2) It would be to the public interest to enjoin such violation until complaint is issued by the Commission under the Federal Trade Commission Act and such complaint dismissed by the Commission or set aside by the court on review, or until order to cease and desist made thereon by the Commission has become final within the meaning of the Federal Trade Commission Act,

the Commission may bring suit in the district court of the United States or in the United States court of any Territory, for the district or Territory in which such person resides or transacts business, to enjoin such violation, and upon proper showing a temporary injunction or restraining order shall be granted without bond.

EXCLUSION OF MISBRANDED WOOL PRODUCTS

Exclusion of mis-
branded wool prod-
ucts.

Invoices.
19 U. S. C. § 1481.

Acts declared un-
fair, etc.

38 Stat. 717; 52 Stat.
111.
15 U. S. C. §§ 41-51;
Supp. V. §§ 41-58.

Verified statement
showing fiber content.

SEC. 8. All wool products imported into the United States, except those made more than twenty years prior to such importation, shall be stamped, tagged, labeled, or otherwise identified in accordance with the provisions of this Act, and all invoices of such wool products required under the Act of June 17, 1930 (c. 497, title IV, 46 Stat. 719), shall set forth, in addition to the matter therein specified, the information with respect to said wool products required under the provisions of this Act, which information shall be in the invoices prior to their certification under said Act of June 17, 1930.

The falsification of, or failure to set forth, said information in said invoices, or the falsification or perjury of the consignee's declaration provided for in said Act of June 17, 1930, insofar as it relates to said information, shall be an unfair method of competition, and an unfair and deceptive act, or practice, in commerce under the Federal Trade Commission Act; and any person who falsifies, or fails to set forth, said information in said invoices, or who falsifies or perjures said consignee's declaration insofar as it relates to said information, may thenceforth be prohibited by the Commission from importing, or participating in the importation of, any wool products into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said wool products and any duty thereon, conditioned upon compliance with the provisions of this Act.

A verified statement from the manufacturer or producer of such wool products showing their fiber content as required under the provisions of this Act may be required under regulations prescribed by the Secretary of the Treasury.

GUARANTY

Guaranty provi-
sions.

SEC. 9. (a) No person shall be guilty under section 3 if he establishes a guaranty received in good faith signed by and containing the name and address of the person residing in the United States by whom the wool product guaranteed was manufactured and/or

from whom it was received, that said wool product is not misbranded under the provisions of this Act.

Said guaranty shall be either (1) a separate guaranty specifically designating the wool product guaranteed, in which case it may be on the invoice or other paper relating to said wool product; or (2) a continuing guaranty filed with the Commission applicable to all wool products handled by a guarantor in such form as the Commission by rules and regulations may prescribe.

(b) Any person who furnishes a false guaranty, except a person relying upon a guaranty to the same effect received in good faith signed by and containing the name and address of the person residing in the United States by whom the wool product guaranteed was manufactured and/or from whom it was received, with reason to believe the wool product falsely guaranteed may be introduced, sold, transported, or distributed in commerce, is guilty of an unfair method of competition, and an unfair and deceptive act or practice, in commerce within the meaning of the Federal Trade Commission Act.

False guaranty.

38 Stat. 717; 52 Stat. 111.
15 U. S. C. §§ 41-51;
Supp. V, §§ 41-53.

CRIMINAL PENALTY

SEC. 10. Any person who willfully violates sections 3, 5, 8, or 9 (b) of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$5,000, or be imprisoned not more than one year, or both, in the discretion of the court: *Provided*, That nothing herein shall limit other provisions of this Act.

Criminal penalty.

Proviso.
No limitation on
other provisions.

Whenever the Commission has reason to believe any person is guilty of a misdemeanor under this section, it shall certify all pertinent facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of this section against such person.

Certification to Attorney General.

APPLICATION OF EXISTING LAWS

SEC. 11. The provisions of this Act shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other Act of the United States.

Application of existing laws.

EFFECTIVE DATE

SEC. 12. This Act shall take effect nine months after the date of its passage.

Effective date.

SEPARABILITY CLAUSE

SEC. 13. If any provision of this Act, or the application thereof to any person, partnership, corporation, or circumstance is held invalid, the remainder of the Act and the application of such provision to any other person, partnership, corporation, or circumstance shall not be affected thereby.

Separability clause.

EXCEPTIONS

SEC. 14. None of the provisions of this Act shall be construed to apply to the manufacture, delivery for shipment, shipment, sale, or offering for sale any carpets, rugs, mats, or upholsteries, nor to any person manufacturing, delivering for shipment, shipping, selling, or offering for sale any carpets, rugs, mats, or upholsteries.

Carpets, upholsteries, etc.

Approved, October 14, 1940.

[CHAPTER 872]

AN ACT

October 14, 1940
[S. 3550]
[Public, No. 851]

To make unlawful the transportation of convict-made goods in interstate commerce, and for other purposes.

Interstate commerce.
Transportation in, of
convict-made goods,
etc.

Penalty.
Provisos.
Exception of certain
commodities.

Effective date.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever shall knowingly transport or knowingly cause to be transported in interstate commerce, in any manner or by any means whatsoever, or aid or assist, knowingly, in obtaining transportation for or in transporting any goods, wares, and merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners (except convicts or prisoners on parole or probation) or in any penal or reformatory institution, from one State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof, or from any foreign country, into any State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof, shall be punished by a fine of not more than \$1,000 or by imprisonment of not more than one year, or both: *Provided*, That nothing herein shall apply to commodities manufactured in Federal or District of Columbia penal and correctional institutions for use by the Federal Government or to commodities manufactured in any State penal or correctional institution for use by any other State, or States, or political subdivisions thereof; to parts for the repair of farm machinery; or to agricultural commodities: *Provided further*, That this Act shall go into effect one year after its approval by the President.

Approved, October 14, 1940.

[CHAPTER 875]

AN ACT

October 14, 1940
[S. 3619]
[Public, No. 852]

Relating to changes in the administration of the National Guard of the United States bearing on Federal recognition, pay, allotment of funds, drill, training, and so forth.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AMENDMENTS TO NATIONAL DEFENSE ACT

National Guard.
39 Stat. 205,
32 U. S. C. § 42;
Supp. V, § 42.
Care of Government
animals.

Caretakers.

Compensation.

SECTION 1. That section 90 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, repealed and reenacted to read as follows:

"SEC. 90. That funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government animals issued to any organization, and for animals owned or hired by any State, Territory, District of Columbia, or National Guard organization, not exceeding the number of animals authorized by Federal law for such organization and used solely for military purposes, and for the compensation of competent help for the care of material, animals, armament, and equipment of organizations of all kinds, under such regulations as the Secretary of War may prescribe.

"The compensation paid to caretakers who belong to the National Guard, as herein authorized, shall be in addition to any compensation authorized for members of the National Guard under any of the provisions of the National Defense Act.

"Under such regulations as the Secretary of War shall prescribe, the material, animals, armament, and equipment, or any part thereof, of the National Guard of any State, Territory, or the District of Columbia, or organizations thereof, may be put into a common pool for care, maintenance, and storage; and the employment of caretakers therefor, not to exceed fifteen for any one pool, is hereby authorized.

"Commissioned officers of the National Guard shall not be employed as caretakers except that, under such regulations as the Secretary of War shall prescribe, one such officer not above the grade of captain for each heavier-than-air squadron, and one such officer not above the grade of captain for each pool, may be employed. Either enlisted men or civilians may be employed as caretakers, but if there are as many as two caretakers in any unit, one of them shall be an enlisted man.

"Funds hereafter appropriated under the provisions of the National Defense Act, as amended, for the support of the National Guard of the several States, Territories, and the District of Columbia, shall be supplemental to moneys appropriated by the several States, Territories, and the District of Columbia, for the support of the National Guard, and shall be available for the hire of caretakers and clerks: *Provided*, That the Secretary of War shall, by regulations, fix the salaries of all caretakers and clerks hereby authorized to be employed, and shall also designate by whom they shall be employed."

SEC. 2. That section 92 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, repealed and reenacted to read as follows:

"SEC. 92. TRAINING OF THE NATIONAL GUARD.—Under such regulations as the Secretary of War shall prescribe, each company, troop, battery, and detachment in the National Guard shall assemble for drill and instruction, including indoor target practice, not less than forty-eight times each year, and shall, in addition thereto, participate in encampments, maneuvers, or other exercises, including outdoor target practice, at least fifteen days in training each year, including target practice, unless such company, troop, battery, or detachment shall have been excused from participation in any part thereof by the Secretary of War: *Provided*, That an assembly for drill and instruction may consist of a single duly ordered formation of a company, troop, battery, or detachment, or, when so authorized by the Secretary of War, of a series of duly ordered formations of subdivisions or parts thereof, but in the latter case the series of formations of subdivisions or groups must comprehend and include the entire organization, and must be included within the time limit of seven consecutive days within a calendar month. The sum total of the attendance at all the separate consecutive formations announced as constituting that assembly shall be counted as the attendance at the actual military assembly for the required period of time; but no officer, warrant officer, or enlisted man shall be counted more than once, nor receive credit for more than one required period of actual military attendance even though he may have attended more than one of the formations which constitute the assembly for the required period of time: *Provided further*, That credit for an assembly for drill or for indoor target practice shall not be given unless the number of officers and enlisted men present for duty at such assembly shall equal or exceed a minimum to be prescribed by the President, nor unless the period of actual military duty and instruction participated in by each officer and enlisted man at each assembly at which he shall be credited as having been present shall be of at least one and one-half hours' duration and the character of training such as may be prescribed by the Secre-

Pooling provisions.

Officers not eligible as caretakers; exception.

Funds available for hire of caretakers and clerks.

Proviso.
Regulations.

39 Stat. 206,
32 U. S. C. § 62.

Training of National Guard.
Drills required.

Provisos.
Assembly for drill and instruction.

Credit or drill assembly, etc.

Credits for authorized flights.

Absence from drill due to flight performance.

39 Stat. 209.
32 U. S. C. § 143.

Pay for National Guard officers.
Drill, etc.

42 Stat. 627, 629.
37 U. S. C. §§ 7, 13.

Provisos.
Additional pay provisions.

Purchase of uniforms, etc.
40 Stat. 957.
10 U. S. C. § 904.

31 U. S. C. § 487.
Sale of stable refuse, grain sacks, etc.; use of proceeds.

tary of War: *Provided further*, That any flight ordered by competent authority and performed by an appropriately rated Air Corps officer or enlisted man of the National Guard assigned to an Air Corps unit thereof, or so performed by an officer or enlisted man of the Medical Department of the said National Guard regularly attached to an Air Corps unit of the National Guard by appropriate authority, may be credited for the same purpose and to the same extent as attendance at drill: *Provided further*, That in performing the flight so ordered the officer or enlisted man is prevented, by the making of such flight, from attending a regularly scheduled drill formation of his unit or the unit with which the said officer or enlisted man is required to drill."

SEC. 3. That section 109 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, repealed and reenacted to read as follows:

"SEC. 109. PAY FOR THE NATIONAL GUARD OFFICERS.—Under such regulations as the Secretary of War may prescribe, officers and warrant officers of the National Guard, except general officers, shall receive compensation at the rate of one-thirtieth of the monthly base pay prescribed for them in sections 3 and 9 of the Pay Readjustment Act of June 10, 1922, for each regular drill, period of appropriate duty, or other equivalent period of training, authorized by the Secretary of War, not exceeding eight in any one calendar month and not exceeding sixty in any one fiscal year, at which they shall have been engaged for the entire period of not less than one and one-half hours: *Provided*, That such pay shall be in addition to compensation for attendance at field- or coast-defense instruction or maneuvers, and that nothing in this Act shall operate to reduce the present pay of majors and lieutenant colonels. General officers shall receive \$500 a year in addition to compensation for attendance at field- or coast-defense instruction or maneuvers, for satisfactory performance of their appropriate duties. In addition to pay hereinbefore provided officers commanding organizations less than a brigade and having administrative functions connected therewith shall, whether or not such officers belong to such organizations, receive not more than \$240 a year for the faithful performance of such administrative functions under such regulations as the Secretary of War may prescribe; and for the purpose of determining how much shall be paid to such officers so performing such functions, the Secretary of War may, from time to time, divide them into classes and fix the amount payable to the officers in each class. Pay under the provisions of this section shall not accrue to any officer during a period when he shall be entitled under any provision of law to the full rate of his base pay prescribed in section 3 or section 9, as the case may be, of the Pay Readjustment Act of June 10, 1922: *Provided further*, That section 9 of the Act entitled 'An Act amending the Act entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States", approved May 18, 1917', approved August 31, 1918, shall also apply to the purchase of uniforms, accouterments, and equipment for cash by officers of the active and inactive National Guard, whether in State or Federal service, on proper identification and under such rules and regulations as the Secretary of War may prescribe."

SEC. 4. That section 3618, Revised Statutes, as amended, be, and the same is hereby, amended by adding the following additional language: "That, under such regulations as the Secretary of War may prescribe, the commanding officers of mounted units of the National Guard may sell all stable refuse and empty grain sacks and containers at public or private sale and apply the proceeds derived

therefrom to the purchase of feed, supplementing the regular allowance and issue for the animals of the said units, and for the purchase of stable equipment, and horseshoers', saddlers', blacksmiths', and wagoners' tools not an article of issue to such organizations."

SEC. 5. That the Act of July 15, 1939 (53 Stat. 1042), be, and the same is hereby, repealed and reenacted to read as follows:

"That neither of the provisions of the Act of June 15, 1936 (49 Stat. 1507), nor any other law of the United States shall be construed as limiting the power and authority of the Secretary of War, under such regulations as he may prescribe, to require the hospitalization, medical, and surgical treatment and domiciliary care so long as any or all are necessary of persons in the active military service or on active duty, or in training, under the provisions of sections 92, 94, 97, 99, and 113 of the National Defense Act of June 3, 1916, as amended, and to incur obligations with respect thereto, without reference to their line-of-duty status: *Provided*, That this Act shall not include those individuals who are on an armory-drill status except officers, warrant officers, and enlisted men of the National Guard who suffer personal injury (as distinguished from disease) when participating in aerial flights prescribed under the provisions of section 92: *And provided further*, That this Act shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furloughs or leaves of absence in excess of twenty-four hours."

Approved, October 14, 1940.

[CHAPTER 876]

AN ACT

To revise and codify the nationality laws of the United States into a comprehensive nationality code.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the nationality laws of the United States are revised and codified as follows:

TITLE I

SECTION 1. This Act may be cited as the Nationality Act of 1940.

CHAPTER I—DEFINITIONS

SEC. 101. For the purposes of this Act—

(a) The term "national" means a person owing permanent allegiance to a state.

(b) The term "national of the United States" means (1) a citizen of the United States, or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States. It does not include an alien.

(c) The term "naturalization" means the conferring of nationality of a state upon a person after birth.

(d) The term "United States" when used in a geographical sense means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

(e) The term "outlying possessions" means all territory, other than as specified in subsection (d), over which the United States exercises rights of sovereignty, except the Canal Zone.

(f) The term "parent" includes in the case of a posthumous child a deceased parent.

(g) The term "minor" means a person under twenty-one years of age.

32 U. S. C., Supp. V, § 164d.

10 U. S. C., Supp. V, §§ 455a-d; 32 U. S. C., Supp. V, §§ 164a-c.

Required hospitalization and medical treatment.

39 Stat. 206, 207, 211.

Provisos.
Exclusion of individuals on armory-drill status; exception.

Private treatment.

October 14, 1940
[H. R. 9980]
[Public, No. 853]

Nationality Act of 1940.

Short title.

"National."

"National of the United States."

"Naturalization."

"United States."

"Outlying possessions."

"Parent."

"Minor."

Post, p. 1140.

"State."

Post, p. 1140.

"Naturalization court."

"Clerk of court."

"Commissioner" and "Deputy Commissioner."

"Attorney General."

"Service."

"Designated examiner."
Post, p. 1156.

"Child."

"Foreign state."
Post, p. 1170.

Place of general abode.
Post, pp. 1142, 1169, 1170.

SEC. 102. For the purposes of chapter III of this Act—

(a) The term "State" includes (except as used in subsection (a) of section 301), Alaska, Hawaii, the District of Columbia, Puerto Rico, and the Virgin Islands of the United States.

(b) the term "naturalization court", unless otherwise particularly described, means a court authorized by subsection (a) of section 301 to exercise naturalization jurisdiction.

(c) The term "clerk of court" means a clerk of a naturalization court.

(d) The terms "Commissioner" and "Deputy Commissioner" mean the Commissioner of Immigration and Naturalization and a Deputy Commissioner of Immigration and Naturalization, respectively.

(e) The term "Attorney General" means the Attorney General of the United States.

(f) The term "Service" means the Immigration and Naturalization Service of the United States Department of Justice.

(g) The term "designated examiner" means an examiner or other officer of the Service designated under section 333 by the Commissioner.

(h) The term "child" includes a child legitimated under the law of the child's residence or domicile, whether in the United States or elsewhere; also a child adopted in the United States, provided such legitimation or adoption takes place before the child reaches the age of sixteen years and the child is in the legal custody of the legitimating or adopting parent or parents.

SEC. 103. For the purposes of subsections (a), (b), and (c) of section 404 of this Act, the term "foreign state" includes outlying possessions of a foreign state, but does not include self-governing dominions or territory under mandate, which, for the purposes of these subsections, shall be regarded as separate states.

SEC. 104. For the purposes of sections 201, 307 (b), 403, 404, 405, 406, and 407 of this Act, the place of general abode shall be deemed the place of residence.

CHAPTER II—NATIONALITY AT BIRTH

Nationals and citizens of U. S. at birth.

SEC. 201. The following shall be nationals and citizens of the United States at birth:

(a) A person born in the United States, and subject to the jurisdiction thereof;

(b) A person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe: *Provided*, That the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property;

(c) A person born outside of the United States and its outlying possessions of parents both of whom are citizens of the United States and one of whom has resided in the United States or one of its outlying possessions, prior to the birth of such person;

(d) A person born outside of the United States and its outlying possessions of parents one of whom is a citizen of the United States who resided in the United States or one of its outlying possessions prior to the birth of such person, and the other of whom is a national, but not a citizen of the United States;

(e) A person born in an outlying possession of the United States of parents one of whom is a citizen of the United States who resided in the United States or one of its outlying possessions prior to the birth of such person;

(f) A child of unknown parentage found in the United States, until shown not to have been born in the United States;

(g) A person born outside the United States and its outlying possessions of parents one of whom is a citizen of the United States who, prior to the birth of such person, has had ten years' residence in the United States or one of its outlying possessions, at least five of which were after attaining the age of sixteen years, the other being an alien: *Provided*, That, in order to retain such citizenship, the child must reside in the United States or its outlying possessions for a period or periods totaling five years between the ages of thirteen and twenty-one years: *Provided further*, That, if the child has not taken up a residence in the United States or its outlying possessions by the time he reaches the age of sixteen years, or if he resides abroad for such a time that it becomes impossible for him to complete the five years' residence in the United States or its outlying possessions before reaching the age of twenty-one years, his American citizenship shall thereupon cease.

The preceding provisos shall not apply to a child born abroad whose American parent is at the time of the child's birth residing abroad solely or principally in the employment of the Government of the United States or a bona fide American, educational, scientific, philanthropic, religious, commercial, or financial organization, having its principal office or place of business in the United States, or an international agency of an official character in which the United States participates, for which he receives a substantial compensation;

(h) The foregoing provisions of subsection (g) concerning retention of citizenship shall apply to a child born abroad subsequent to May 24, 1934.

SEC. 202. All persons born in Puerto Rico on or after April 11, 1899, subject to the jurisdiction of the United States, residing on the effective date of this Act in Puerto Rico or other territory over which the United States exercises rights of sovereignty and not citizens of the United States under any other Act, are hereby declared to be citizens of the United States.

Birth in Puerto Rico.

SEC. 203. (a) Any person born in the Canal Zone on or after February 26, 1904, and whether before or after the effective date of this Act, whose father or mother or both at the time of the birth of such person was or is a citizen of the United States, is declared to be a citizen of the United States.

Birth in Canal Zone.

(b) Any person born in the Republic of Panama on or after February 26, 1904, and whether before or after the effective date of this Act, whose father or mother or both at the time of the birth of such person was or is a citizen of the United States employed by the Government of the United States or by the Panama Railroad Company, is declared to be a citizen of the United States.

Birth in Republic of Panama.

SEC. 204. Unless otherwise provided in section 201, the following shall be nationals, but not citizens, of the United States at birth:

Nationals, but not citizens, of U. S. at birth.
Ante, p. 1138.

(a) A person born in an outlying possession of the United States of parents one of whom is a national, but not a citizen, of the United States;

(b) A person born outside the United States and its outlying possessions of parents both of whom are nationals, but not citizens, of the United States, and have resided in the United States or one of its outlying possessions prior to the birth of such person;

(c) A child of unknown parentage found in an outlying possession of the United States, until shown not to have been born in such outlying possession.

Child born out of wedlock.
Ante, p. 1138.

SEC. 205. The provisions of section 201, subsections (c), (d), (e), and (g), and section 204, subsections (a) and (b), hereof apply, as of the date of birth, to a child born out of wedlock, provided the paternity is established during minority, by legitimation, or adjudication of a competent court.

Status, in absence
of legitimation, etc.

In the absence of such legitimation or adjudication, the child, whether born before or after the effective date of this Act, if the mother had the nationality of the United States at the time of the child's birth, and had previously resided in the United States or one of its outlying possessions, shall be held to have acquired at birth her nationality status.

CHAPTER III—NATIONALITY THROUGH NATURALIZATION

GENERAL PROVISIONS

JURISDICTION TO NATURALIZE

Courts having natu-
ralization jurisdiction.

SEC. 301. (a) Exclusive jurisdiction to naturalize persons as citizens of the United States is hereby conferred upon the following specified courts: District Courts of the United States now existing, or which may hereafter be established by Congress in any State, Districts Courts of the United States for the Territories of Hawaii and Alaska, and for the District of Columbia and for Puerto Rico, and the District Court of the Virgin Islands of the United States; also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited. The jurisdiction of all the courts herein specified to naturalize persons shall extend only to such persons resident within the respective jurisdictions of such courts, except as otherwise specifically provided in this Act.

Petitions within
State judicial districts,
etc.

(b) A person who petitions for naturalization in any State court having naturalization jurisdiction, may petition within the State judicial district or State judicial circuit in which he resides, whether or not he resides within the county in which the petition for naturalization is filed.

Blank forms.

(c) The courts herein specified, upon request of the clerks of such courts, shall be furnished from time to time by the Commissioner or a Deputy Commissioner with such blank forms as may be required in naturalization proceedings.

Manner, etc., of nat-
uralization.

(d) A person may be naturalized as a citizen of the United States in the manner and under the conditions prescribed in this Act, and not otherwise.

SUBSTANTIVE PROVISIONS

ELIGIBILITY FOR NATURALIZATION

Sex or marriage no
bar.

SEC. 302. The right of a person to become a naturalized citizen of the United States shall not be denied or abridged because of sex or because such person is married.

Racial limitation.

SEC. 303. The right to become a naturalized citizen under the provisions of this Act shall extend only to white persons, persons of African nativity or descent, and descendants of races indigenous to the Western Hemisphere: *Provided*, That nothing in this section shall prevent the naturalization of native-born Filipinos having the honorable service in the United States Army, Navy, Marine Corps, or Coast Guard as specified in section 324, nor of former citizens of the United States who are otherwise eligible to naturalization under the provisions of section 317.

proviso.
Eligibility of cer-
tain Filipinos, etc.

Post, p. 1149.

Post, p. 1146.

English language re-
quirement.

SEC. 304. No person except as otherwise provided in this Act shall hereafter be naturalized as a citizen of the United States upon his own petition who cannot speak the English language. This requirement shall not apply to any person physically unable to comply therewith, if otherwise qualified to be naturalized.

SEC. 305. No person shall hereafter be naturalized as a citizen of the United States—

Persons ineligible for naturalization.

(a) Who advises, advocates, or teaches, or who is a member of or affiliated with any organization, association, society, or group that advises, advocates, or teaches opposition to all organized government; or

Advising opposition to all organized government.

(b) Who believes in, advises, advocates, or teaches, or who is a member of or affiliated with any organization, association, society, or group that believes in, advises, advocates, or teaches—

Advocating overthrow of U. S. Government, etc.

(1) the overthrow by force or violence of the Government of the United States or of all forms of law; or

(2) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or any other organized government, because of his or their official character; or

(3) the unlawful damage, injury, or destruction of property; or

(4) sabotage.

(c) Who writes, publishes, or causes to be written or published, or who knowingly circulates, distributes, prints, or displays, or knowingly causes to be circulated, distributed, printed, published, or displayed, or who knowingly has in his possession for the purpose of circulation, distribution, publication, or display any written or printed matter advising, advocating, or teaching opposition to all organized government, or advising, advocating, or teaching—

Publishing, etc., certain written or printed matter.

(1) the overthrow by force or violence of the Government of the United States or of all forms of law; or

(2) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government; or

(3) the unlawful damage, injury, or destruction of property; or

(4) sabotage.

(d) Who is a member of or affiliated with any organization, association, society, or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in subdivision (c).

Holding membership in certain organizations, etc.

For the purpose of this section—

Definition of terms.

(1) the giving, loaning, or promising of money or anything of value to be used for the advising, advocacy, or teaching of any doctrine above enumerated shall constitute the advising, advocacy, or teaching of such doctrine; and

(2) the giving, loaning, or promising of money or anything of value to any organization, association, society, or group of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching or affiliation.

The provisions of this section shall be applicable to any applicant for naturalization who at any time within a period of ten years immediately preceding the filing of the petition for naturalization is, or has been, found to be within any of the clauses enumerated in this section, notwithstanding that at the time petition is filed he may not be included in such classes.

Applicability of provisions.

SEC. 306. A person who, at any time during which the United States has been or shall be at war, deserted or shall desert the military or naval forces of the United States, or who, having duly enrolled, departed, or shall depart from the jurisdiction of the district in which

Ineligibility of convicted deserters.

enrolled, or went or shall go beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall, upon conviction thereof by a court martial, be ineligible to become a citizen of the United States; and such deserters shall be forever incapable of holding any office of trust or of profit under the United States, or of exercising any rights of citizens thereof.

Residence and character requirements.

SEC. 307. (a) No person, except as hereinafter provided in this Act, shall be naturalized unless such petitioner, (1) immediately preceding the date of filing petition for naturalization has resided continuously within the United States for at least five years and within the State in which the petitioner resided at the time of filing the petition for at least six months, (2) has resided continuously within the United States from the date of the petition up to the time of admission to citizenship, and (3) during all the periods referred to in this subsection has been and still is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States.

Presumption of broken continuity of residence.

(b) Absence from the United States for a continuous period of more than six months but less than one year during the period for which continuous residence is required for admission to citizenship, immediately preceding the date of filing the petition for naturalization, or during the period between the date of filing the petition and the date of final hearing, shall be presumed to break the continuity of such residence, but such presumption may be overcome by the presentation of evidence satisfactory to the naturalization court that such individual had a reasonable cause for not sooner returning to the United States. Absence from the United States for a continuous period of one year or more during the period for which continuous residence is required for admission to citizenship, immediately preceding the date of filing the petition for naturalization or during the period between the date of filing the petition and the date of final hearing, shall break the continuity of such residence, except that in the case of an alien who has resided in the United States for at least one year, during which period he has made a declaration of intention to become a citizen of the United States, and who thereafter is employed by or under contract with the Government of the United States or an American institution of research recognized as such by the Attorney General, or is employed by an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States or a subsidiary thereof, no period of absence from the United States shall break the continuity of residence if—

Overcoming presumption.

Absence from U. S. for designated period.

(1) Prior to the beginning of such period (whether such period begins before or after his departure from the United States) the alien has established to the satisfaction of the Attorney General that his absence from the United States for such period is to be on behalf of such Government, or for the purpose of carrying on scientific research on behalf of such institution, or to be engaged in the development of such foreign trade and commerce or whose residence abroad is necessary to the protection of the property rights in such countries of such firm or corporation, and

(2) Such alien proves to the satisfaction of the court that his absence from the United States for such period has been for such purpose.

Absence from U. S. under U. S. employment, etc.

(c) No period of absence from the United States during the five years immediately preceding June 25, 1936, shall be held to have broken the continuity of residence required by the naturalization laws if the alien proves to the satisfaction of the Attorney General and

the court that during all such period of absence he has been under employment by, or contract with, the United States, or such American institution of research, or American firm or corporation, described in subsection (b) of this section, and has been carrying on the activities described in that subsection in its behalf.

(d) The following shall be regarded as residence within the United States within the meaning of this chapter:

(1) Honorable service on vessels owned directly by the Government of the United States, whether or not rendered at any time prior to the applicant's lawful entry into the United States: *Provided*, That this subdivision shall not apply to service on vessels operating in and about the Canal Zone in connection with the maintenance, operation, protection, and civil government of the Panama Canal and Canal Zone.

(2) Continuous service by a seaman on a vessel or vessels whose home port is in the United States and which are of American registry or American owned, if rendered subsequent to the applicant's lawful entry into the United States for permanent residence and immediately preceding the date of naturalization.

SEC. 308. Any alien who has been lawfully admitted into the United States for permanent residence and who has heretofore been or may hereafter be absent temporarily from the United States solely in his or her capacity as a regularly ordained clergyman or nun, shall be considered as residing in the United States for the purpose of naturalization, notwithstanding any such absence from the United States, but he or she shall in all other respects comply with the requirements of the naturalization laws. Such alien shall prove to the satisfaction of the Attorney General and the naturalization court that his or her absence from the United States has been solely in the capacity hereinbefore described.

REQUIREMENTS AS TO PROOF

SEC. 309. (a) As to each period and place of residence in the State in which the petitioner resides at the time of filing the petition, during the entire period of at least six months immediately preceding the date of filing the petition, there shall be included in the petition the affidavits of at least two credible witnesses, citizens of the United States, stating that each has personally known the petitioner to have been a resident at such place for such period, and that the petitioner is and during all such period has been a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States.

(b) At the hearing on the petition, residence in the State in which the petitioner resides at the time of filing the petition, for at least six months immediately preceding the date of filing the petition, and the other qualifications required by subsection (a) of section 307 during such residence shall be proved by the oral testimony of at least two credible witnesses, citizens of the United States, in addition to the affidavits required by subsection (a) of this section to be included in the petition. At the hearing, residence within the United States during the five-year period, but outside the State, or within the State but prior to the six months immediately preceding the date of filing the petition, and the other qualifications required by subsection (a) of section 307 during such period at such places, shall be proved either by depositions taken in accordance with subsection (e) of section 327, or oral testimony, of at least two such witnesses for each place of residence.

Residence within U. S.

Service on U. S. vessels.

Provided.
Certain vessels operating in Canal Zone.

Service on vessels having home ports in U. S.

Temporary absence of alien clergymen or nuns.

Affidavits as to State residence, etc.

Oral testimony at hearing.

Ante, p. 1142.

Proof of U. S. residence.

Ante, p. 1142.

Post, p. 1151.

Other proof in designated cases.

Ante, p. 1142.

Issuance of subpoenas for attendance of witnesses.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section the requirements of subsection (a) of section 307 as to the petitioner's residence, moral character, attachment to the principles of the Constitution of the United States, and disposition toward the good order and happiness of the United States may be established by any evidence satisfactory to the naturalization court in those cases under subsection (b) of section 307 in which the alien declarant has been absent from the United States because of his employment by or contract with the Government of the United States or an American institution of research, recognized as such by the Attorney General, or employment by an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States or a subsidiary thereof.

(d) The clerk of court shall, if the petitioner requests it at the time of filing the petition for naturalization, issue a subpoena for the witnesses named by such petitioner to appear upon the day set for the final hearing, but in case such witnesses cannot be produced upon the final hearing other witnesses may be summoned upon notice to the Commissioner, in such manner and at such time as the Commissioner, with the approval of the Attorney General, may by regulation prescribe. If it should appear after the petition has been filed that any of the verifying witnesses thereto are not competent, and it further appears that the petitioner has acted in good faith in producing such witnesses found to be incompetent, other witnesses may be substituted in accordance with such regulations.

MARRIED PERSONS

Naturalization of alien spouse. Marriage after Sept. 21, 1922, and prior to May 24, 1934.

SEC. 310. (a) Any alien who, after September 21, 1922, and prior to May 24, 1934, has married a citizen of the United States, or any alien who married prior to May 24, 1934, a spouse who was naturalized during such period and during the existence of the marital relation may, if eligible to naturalization, be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(1) No declaration of intention shall be required;

(2) In lieu of the five-year period of residence within the United States, and the six months' period of residence in the State where the petitioner resided at the time of filing the petition, the petitioner shall have resided continuously in the United States for at least one year immediately preceding the filing of the petition.

Marriage on or after May 24, 1934.

(b) Any alien who, on or after May 24, 1934, has married or shall hereafter marry a citizen of the United States, or any alien whose husband or wife was naturalized on or after May 24, 1934, and during the existence of the marital relation or shall hereafter be so naturalized may, if eligible for naturalization, be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(1) No declaration of intention shall be required;

(2) In lieu of the five-year period of residence within the United States, and the six months' period of residence in the State where the petitioner resided at the time of filing the petition, the petitioner shall have resided continuously in the United States for at least three years immediately preceding the filing of the petition.

Validation of naturalization of certain women.

(c) The naturalization of any woman on or after May 24, 1934, by any naturalization court of competent jurisdiction, upon proof of marriage to a citizen or the naturalization of her husband and proof of but one year's residence in the United States is hereby validated only so far as relates to the period of residence required to be proved by such person under the naturalization laws.

(d) The naturalization of any male person on or after May 24, 1934, by any naturalization court of competent jurisdiction, upon proof of marriage to a citizen of the United States after September 21, 1922, and prior to May 24, 1934, or of the naturalization during such period of his wife, and upon proof of three years' residence in the United States, is hereby validated only so far as relates to the period of residence required to be proved by such person under the naturalization laws and the omission by such person to make a declaration of intention.

Male persons.

SEC. 311. A person who upon the effective date of this section is married to or thereafter marries a citizen of the United States, or whose spouse is naturalized after the effective date of this section, if such person shall have resided in the United States in marital union with the United States citizen spouse for at least one year immediately preceding the filing of the petition for naturalization, may be naturalized after the effective date of this section upon compliance with all requirements of the naturalization laws with the following exceptions:

Naturalization of persons married on or after effective date of section.

(a) No declaration of intention shall be required.

(b) The petitioner shall have resided continuously in the United States for at least two years immediately preceding the filing of the petition in lieu of the five-year period of residence within the United States and the six months' period of residence within the State where the naturalization court is held.

SEC. 312. An alien, whose spouse is (1) a citizen of the United States, (2) in the employment of the Government of the United States, or of an American institution of research recognized as such by the Attorney General, or an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States, or a subsidiary thereof, and (3) regularly stationed abroad in such employment, and who is (1) in the United States at the time of naturalization, and (2) declares before the naturalization court in good faith an intention to take up residence within the United States immediately upon the termination of such employment abroad of the citizen spouse, may be naturalized upon compliance with all requirements of the naturalization laws, with the following exceptions:

When spouse is U. S. citizen regularly employed abroad by U. S. Government, etc.

(a) No declaration of intention shall be required; and

(b) No prior residence within the United States or within the jurisdiction of the naturalization court or proof thereof shall be required.

CHILDREN

SEC. 313. A child born outside of the United States, one of whose parents at the time of the child's birth was an alien and the other of whose parents then was and never thereafter ceased to be a citizen of the United States, shall, if such alien parent is naturalized, be deemed a citizen of the United States, when—

Citizenship through naturalization of alien parent; conditions.

(a) Such naturalization takes place while such child is under the age of eighteen years; and

(b) Such child is residing in the United States at the time of naturalization or thereafter and begins to reside permanently in the United States while under the age of eighteen years.

SEC. 314. A child born outside of the United States of alien parents, or of an alien parent and a citizen parent who has subsequently lost citizenship of the United States, becomes a citizen of the United States upon fulfillment of the following conditions:

Alien parents, or alien parent and former citizen parent; conditions.

(a) The naturalization of both parents; or

(b) The naturalization of the surviving parent if one of the parents is deceased; or

(c) The naturalization of the parent having legal custody of the child when there has been a legal separation of the parents; and if—

(d) Such naturalization takes place while such child is under the age of eighteen years; and

(e) Such child is residing in the United States at the time of the naturalization of the parent last naturalized under subsection (a) of this section, or the parent naturalized under subsection (b) or (c) of this section, or thereafter begins to reside permanently in the United States while under the age of eighteen years.

Naturalization upon
petition by citizen
parent.

SEC. 315. A child born outside of the United States, one of whose parents is at the time of petitioning for the naturalization of the child, a citizen of the United States, either by birth or naturalization, may be naturalized if under the age of eighteen years and not otherwise disqualified from becoming a citizen and is residing permanently in the United States with the citizen parent, on the petition of such citizen parent, without a declaration of intention, upon compliance with the applicable procedural provisions of the naturalization laws.

Naturalization of
adopted children; con-
ditions.

SEC. 316. An adopted child may, if not otherwise disqualified from becoming a citizen, be naturalized before reaching the age of eighteen years upon the petition of the adoptive parent or parents if the child has resided continuously in the United States for at least two years immediately preceding the date of filing such petition, upon compliance with all the applicable procedural provisions of the naturalization laws, if the adoptive parent or parents are citizens of the United States, and the child was:

(a) Lawfully admitted to the United States for permanent residence; and

(b) Adopted in the United States before reaching the age of sixteen years; and

(c) Adopted and in the legal custody of the adoptive parent or parents for at least two years prior to the filing of the petition for the child's naturalization.

FORMER CITIZENS OF THE UNITED STATES

Reacquisition of citi-
zenship lost through
marriage.

SEC. 317. (a) A person who was a citizen of the United States and who prior to September 22, 1922, lost United States citizenship by marriage to an alien or by the spouse's loss of United States citizenship, and any person who lost United States citizenship on or after September 22, 1922, by marriage to an alien ineligible to citizenship, may, if no other nationality was acquired by affirmative act other than such marriage, be naturalized upon compliance with all requirements of the naturalization laws with the following exceptions:

(1) No declaration of intention and no certificate of arrival shall be required, and no period of residence within the United States or within the State where the petition is filed shall be required.

(2) The petition need not set forth that it is the intention of the petitioner to reside permanently within the United States.

(3) The petition may be filed in any court having naturalization jurisdiction, regardless of the residence of the petitioner.

(4) The petition may be heard at any time after filing if there is attached to the petition at the time of filing a certificate from a naturalization examiner stating that the petitioner has appeared before such examiner for examination.

Such person shall have, from and after the naturalization, the same citizenship status as that which existed immediately prior to its loss.

Repatriation of cer-
tain former women
citizens.

(b) (1) From and after the effective date of this Act, a woman, who was a citizen of the United States at birth, and who has or is believed to have lost her United States citizenship solely by reason

of her marriage prior to September 22, 1922, to an alien, and whose marital status with such alien has or shall have terminated, if no other nationality was acquired by affirmative act other than such marriage, shall, from and after the taking of the oath of allegiance prescribed by subsection (b) of section 335 of this Act, be deemed to be a citizen of the United States to the same extent as though her marriage to said alien had taken place on or after September 22, 1922.

(2) Such oath of allegiance may be taken abroad before a diplomatic or consular officer of the United States, or in the United States before the judge or clerk of a naturalization court.

(3) Such oath of allegiance shall be entered in the records of the appropriate embassy or legation or consulate or naturalization court, and upon demand, a certified copy of the proceedings, including a copy of the oath administered, under the seal of the embassy or legation or consulate or naturalization court, shall be delivered to such woman at a cost not exceeding \$1, which certified copy shall be evidence of the facts stated therein before any court of record or judicial tribunal and in any department of the United States.

(c) A person who shall have been a citizen of the United States and also a national of a foreign state, and who shall have lost his citizenship of the United States under the provisions of section 401 (c) of this Act, shall be entitled to the benefits of the provisions of subsection (a) of this section, except that contained in subdivision (2) thereof. Such person, if abroad, may enter the United States as a nonquota immigrant, for the purpose of recovering his citizenship, upon compliance with the provisions of the Immigration Acts of 1917 and 1924.

SEC. 318. (a) A former citizen of the United States expatriated through the expatriation of such person's parent or parents and who has not acquired the nationality of another country by any affirmative act other than the expatriation of his parent or parents may be naturalized upon filing a petition for naturalization before reaching the age of twenty-five years and upon compliance with all requirements of the naturalization laws with the following exceptions:

(1) No declaration of intention and no certificate of arrival and no period of residence within the United States or in a State shall be required;

(2) The petition may be filed in any court having naturalization jurisdiction, regardless of the residence of the petitioner;

(3) If there is attached to the petition at the time of filing, a certificate from a naturalization examiner stating that the petitioner has appeared before him for examination, the petition may be heard at any time after filing; and

(4) Proof that the petitioner was at the time his petition was filed and at the time of the final hearing thereon a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, and that he intends to reside permanently in the United States shall be made by any means satisfactory to the naturalization court.

(b) No former citizen of the United States, expatriated through the expatriation of such person's parent or parents, shall be obliged to comply with the requirements of the immigration laws, if he has not acquired the nationality of another country by any affirmative act other than the expatriation of his parent or parents, and if he has come or shall come to the United States before reaching the age of twenty-five years.

(c) After his naturalization such person shall have the same citizenship status as if he had not been expatriated.

Oath of allegiance.
Post, p. 1157.

Taking of oath.

Entry upon records.

Repatriation after
military service with
foreign state while
national thereof.
Post, p. 1169.

Reacquisition of citizenship
lost by expatriation of parents.

Reacquisition of citizenship lost by cancellation of parent's naturalization.

Post, p. 1159.

Beginning date of citizenship.

SEC. 319. (a) A person who as a minor child lost citizenship of the United States through the cancellation of the parent's naturalization on grounds other than actual fraud or presumptive fraud as specified in the second paragraph of section 15 of the Act of June 29, 1906, as amended (34 Stat. 601; 40 Stat. 544, U. S. C., title 8, sec. 405), or who shall lose citizenship of the United States under subsection (c) of section 338 of this Act, may, if such person resided in the United States at the time of such cancellation and if, within two years after such cancellation or within two years after the effective date of this section, such person files a petition for naturalization or such a petition is filed on such person's behalf by a parent or guardian if such person is under the age of eighteen years, be naturalized upon compliance with all requirements of the naturalization laws with the exception that no declaration of intention shall be required and the required five-year period of residence in the United States need not be continuous.

(b) Citizenship acquired under this section shall begin as of the date of the person's naturalization, except that in those cases where the person has resided continuously in the United States from the date of the cancellation of the parent's naturalization to the date of the person's naturalization under this section, the citizenship of such person shall relate back to the date of the parent's naturalization which has been canceled or to the date of such person's arrival in the United States for permanent residence if such date was subsequent to the date of naturalization of said parent.

PERSONS MISINFORMED OF CITIZENSHIP STATUS

Naturalization without preliminary declaration.

SEC. 320. A person not an alien enemy, who resided uninterruptedly within the United States during the period of five years next preceding July 1, 1920, and was on that date otherwise qualified to become a citizen of the United States, except that such person had not made a declaration of intention required by law and who during or prior to that time, because of misinformation regarding the citizenship status of such person, erroneously exercised the rights and performed the duties of a citizen of the United States in good faith, may file the petition for naturalization prescribed by law without making the preliminary declaration of intention, and upon satisfactory proof to the court that petitioner has so acted may be admitted as a citizen of the United States upon complying with the other requirements of the naturalization laws.

NATIONALS BUT NOT CITIZENS OF THE UNITED STATES

Naturalization of national if resident of a State.

SEC. 321. A person not a citizen who owes permanent allegiance to the United States, and who is otherwise qualified may, if he becomes a resident of any State, be naturalized upon compliance with the requirements of this Act, except that in petitions for naturalization filed under the provisions of this section, residence within the United States within the meaning of this Act shall include residence within any of the outlying possessions of the United States.

PUERTO RICANS

Acquisition of citizenship; declaration of allegiance.

SEC. 322. A person born in Puerto Rico of alien parents, referred to in the last paragraph of section 5, Act of March 2, 1917 (U. S. C., title 8, sec. 5), and in section 5a, of the said Act, as amended by section 2 of the Act of March 4, 1927 (U. S. C., title 8, sec. 5a), who did not exercise the privilege granted of becoming a citizen of the United States, may make the declaration provided in said paragraph at any time, and from and after the making of such declaration shall be a citizen of the United States.

PERSONS SERVING IN ARMED FORCES OR ON VESSELS

SEC. 323. A person who, while a citizen of the United States and during the World War in Europe, entered the military or naval service of any country at war with a country with which the United States was then at war, who has lost citizenship of the United States by reason of any oath or obligation taken for the purpose of entering such service, may be naturalized by taking before any naturalization court specified in subsection (a) of section 301 the oaths prescribed by section 335.

Naturalization of designated World War expatriates.

Ante, p. 1140; *post*, p. 1157.

SEC. 324. (a) A person, including a native-born Filipino, who has served honorably at any time in the United States Army, Navy, Marine Corps, or Coast Guard for a period or periods aggregating three years and who, if separated from such service, was separated under honorable conditions, may be naturalized without having resided, continuously immediately preceding the date of filing such person's petition, in the United States for at least five years and in the State in which the petition for naturalization is filed for at least six months, if such petition is filed while the petitioner is still in the service or within six months after the termination of such service.

Naturalization of persons having U. S. military, etc., service.

(b) A person filing a petition under subsection (a) of this section shall comply in all respects with the requirements of this chapter except that—

Waiver of certain requirements.

(1) No declaration of intention shall be required;

(2) No certificate of arrival shall be required;

(3) No residence within the jurisdiction of the court shall be required;

(4) Such petitioner may be naturalized immediately if the petitioner be then actually in any of the services prescribed in subsection (a) of this section, and if, before filing the petition for naturalization, such petitioner and at least two verifying witnesses to the petition, who shall be citizens of the United States and who shall identify petitioner as the person who rendered the service upon which the petition is based, have appeared before and been examined by a representative of the Service.

(c) In case such petitioner's service was not continuous, petitioner's residence in the United States and State, good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, during any period within five years immediately preceding the date of filing said petition between the periods of petitioner's service in the United States Army, Navy, Marine Corps, or Coast Guard, shall be verified in the petition filed under the provisions of subsection (a) of this section, and proved at the final hearing thereon by witnesses, citizens of the United States, in the same manner as required by section 309. Such verification and proof shall also be made as to any period between the termination of petitioner's service and the filing of the petition for naturalization.

Verification of residence, etc.

Ante, p. 1143.

(d) The petitioner shall comply with the requirements of section 309 as to continuous residence in the United States for at least five years and in the State in which the petition is filed for at least six months, immediately preceding the date of filing the petition, if the termination of such service has been more than six months preceding the date of filing the petition for naturalization, except that such service shall be considered as residence within the United States or the State.

Residence requirements in certain cases of terminated service.

(e) Any such period or periods of service under honorable conditions, and good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, during such serv-

Service records in lieu of affidavits, etc.

ice, shall be proved by duly authenticated copies of records of the executive departments having custody of the records of such service, and such authenticated copies of records shall be accepted in lieu of affidavits and testimony or depositions of witnesses.

Naturalization of persons serving on designated vessels.

SEC. 325. (a) A person who has served honorably or with good conduct for an aggregate period of at least five years (1) on board of any vessel of the United States Government other than in the United States Navy, Marine Corps, or Coast Guard, or (2) on board vessels of more than twenty tons burden, whether or not documented under the laws of the United States, and whether public or private, which are not foreign vessels, and whose home port is in the United States, may be naturalized without having resided, continuously immediately preceding the date of filing such person's petition, in the United States for at least five years, and in the State in which the petition for naturalization is filed for at least six months, if such petition is filed while the petitioner is still in the service on a reenlistment, reappointment, or reshipment, or within six months after an honorable discharge or separation therefrom.

Applicability of designated subsections. *Ante*, p. 1149.

(b) The provisions of subsections (b), (c), (d), and (e) of section 324 shall apply to petitions for naturalization filed under this section, except that service with good conduct on vessels described in subsection (a) (2) of this section may be proved by certificates from the masters of such vessels.

ALIEN ENEMIES

Naturalization of certain alien enemies.

SEC. 326. (a) An alien who is a native, citizen, subject, or denizen of any country, state, or sovereignty with which the United States is at war may be naturalized as a citizen of the United States if such alien's declaration of intention was made not less than two years prior to the beginning of the state of war, or such alien was at the beginning of the state of war entitled to become a citizen of the United States without making a declaration of intention, or his petition for naturalization shall at the beginning of the state of war be pending and the petitioner is otherwise entitled to admission, notwithstanding such petitioner shall be an alien enemy at the time and in the manner prescribed by the laws passed upon that subject.

Hearing requirements.

(b) An alien embraced within this section shall not have such alien's petition for naturalization called for a hearing, or heard, except after ninety days' notice given by the clerk of the court to the Commissioner to be represented at the hearing, and the Commissioner's objection to such final hearing shall cause the petition to be continued from time to time for so long as the Commissioner may require.

Removal, etc.

(c) Nothing herein contained shall be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

Loyalty as basis for exception.

(d) The President of the United States may, in his discretion, upon investigation and report by the Department of Justice fully establishing the loyalty of any alien enemy not included in the foregoing exemption, except such alien enemy from the classification of alien enemy, and thereupon such alien shall have the privilege of applying for naturalization.

PROCEDURAL AND ADMINISTRATIVE PROVISIONS

EXECUTIVE FUNCTIONS

Commissioner in charge of administration.

SEC. 327. (a) The Commissioner, or, in his absence, a Deputy Commissioner, shall have charge of the administration of the naturalization laws, under the immediate direction of the Attorney General, to

whom the Commissioner shall report directly upon all naturalization matters annually and as otherwise required.

(b) The Commissioner, with the approval of the Attorney General, shall make such rules and regulations as may be necessary to carry into effect the provisions of this chapter and is authorized to prescribe the scope and nature of the examination of petitioners for naturalization as to their admissibility to citizenship for the purpose of making appropriate recommendations to the naturalization courts. Such examination shall be limited to inquiry concerning the applicant's residence, good moral character, understanding of and attachment to the fundamental principles of the Constitution of the United States, and other qualifications to become a naturalized citizen as required by law, and shall be uniform throughout the United States.

(c) The Commissioner is authorized to promote instruction and training in citizenship responsibilities of applicants for naturalization including the sending of names of candidates for naturalization to the public schools, preparing and distributing citizenship textbooks to such candidates as are receiving instruction in preparation for citizenship within or under the supervision of the public schools, preparing and distributing monthly an immigration and naturalization bulletin and securing the aid of and cooperating with official State and National organizations, including those concerned with vocational education.

(d) The Commissioner shall prescribe and furnish such forms as may be required to give effect to the provisions of this chapter, and only such forms as may be so provided shall be legal. All certificates of naturalization and of citizenship shall be printed on safety paper and shall be consecutively numbered in separate series.

(e) Members of the Service may be designated by the Commissioner or a Deputy Commissioner to administer oaths and to take depositions without charge in matters relating to the administration of the naturalization and citizenship laws. In cases where there is a likelihood of unusual delay or of hardship, the Commissioner or a Deputy Commissioner may, in his discretion, authorize such depositions to be taken before a postmaster without charge, or before a notary public or other person authorized to administer oaths for general purposes.

(f) A certificate of naturalization or of citizenship issued by the Commissioner or a Deputy Commissioner under the authority of this Act shall have the same effect in all courts, tribunals, and public offices of the United States, at home and abroad, of the District of Columbia, and of each State, Territory, and insular possession of the United States, as a certificate of naturalization or of citizenship issued by a court having naturalization jurisdiction.

(g) Certifications and certified copies of all papers, documents, certificates, and records required or authorized to be issued, used, filed, recorded, or kept under any and all provisions of this chapter shall be admitted in evidence equally with the originals in any and all cases and proceedings under this Act and in all cases and proceedings in which the originals thereof might be admissible as evidence.

(h) The officers in charge of property owned or leased by the Government are authorized, upon the recommendation of the Attorney General, to provide quarters, without payment of rent, in any building occupied by the Service, for a photographic studio, operated by welfare organizations without profit and solely for the benefit of aliens seeking naturalization. Such studio shall be under the supervision of the Commissioner.

Rules and regulations.

Examination of petitioners.

Citizenship instruction, etc.

Forms and certificates.

Oaths and depositions.

Certificates issued by Commissioner, effect.

Admissibility in evidence of certificates, etc.

Photographic studio.

REGISTRY OF ALIENS

SEC. 328. (a) The Commissioner shall cause to be made, for use in complying with the requirements of this chapter, a registry of each

Registry of persons arriving in U. S.; data included.

person arriving in the United States after the effective date of this Act, of the name, age, occupation, personal description (including height, complexion, color of hair and eyes, and fingerprints), the date and place of birth, nationality, the last residence, the intended place of residence in the United States, the date and place of arrival of said person, and the name of vessel or other means of transportation, upon which said person arrived.

Aliens without admission records.

(b) Registry of aliens at ports of entry required by subsection (a) of this section may be made as to any alien not ineligible to citizenship in whose case there is no record of admission for permanent residence, if such alien shall make a satisfactory showing to the Commissioner, in accordance with regulations prescribed by the Commissioner, with the approval of the Attorney General, that such alien—

- (1) Entered the United States prior to July 1, 1924;
- (2) Has resided in the United States continuously since such entry;
- (3) Is a person of good moral character; and
- (4) Is not subject to deportation.

Registered person deemed lawfully admitted.

(c) For the purposes of the immigration laws and naturalization laws an alien, in respect of whom a record of registry has been made as authorized by this section, shall be deemed to have been lawfully admitted to the United States for permanent residence as of the date of such alien's entry.

CERTIFICATE OF ARRIVAL

Issuance.

SEC. 329. (a) The certificate of arrival required by this chapter may be issued upon application to the Commissioner in accordance with regulations prescribed by the Commissioner, with the approval of the Attorney General, upon the making of a record of registry as authorized by section 328 of this Act.

Ante, p. 1151.

Certificate prerequisite to declaration.

(b) No declaration of intention shall be made by any person who arrived in the United States after June 29, 1906, until such person's lawful entry for permanent residence shall have been established, and a certificate showing the date, place, and manner of arrival in the United States shall have been issued. It shall be the duty of the Commissioner or a Deputy Commissioner to cause to be issued such certificate.

PHOTOGRAPHS

Photographs.

SEC. 330. (a) Two photographs of the applicant shall be signed by and furnished by each applicant for a declaration of intention and by each petitioner for naturalization or citizenship. One of such photographs shall be affixed by the clerk of the court to the triplicate declaration of intention issued to the declarant and one to the duplicate declaration of intention required to be forwarded to the Service; and one of such photographs shall be affixed to the original certificate of naturalization issued to the naturalized citizen and one to the duplicate certificate of naturalization required to be forwarded to the Service.

(b) Two photographs of the applicant shall be furnished by each applicant for—

- (1) A record of registry;
- (2) A certificate of derivative citizenship;
- (3) A certificate of naturalization;
- (4) A special certificate;
- (5) A declaration of intention or a certificate of naturalization or of citizenship, in lieu of one lost, mutilated, or destroyed; and
- (6) A new certificate of citizenship in the new name of any naturalized citizen who, subsequent to naturalization, has had such citizen's name changed by order of a court of competent jurisdiction or by marriage.

One such photograph shall be affixed to each such declaration or certificate issued by the Commissioner and one shall be affixed to the copy of such declaration or certificate retained by the Service.

DECLARATION OF INTENTION

SEC. 331. An applicant for naturalization shall make, under oath before, and only in the office of, the clerk of court or such clerk's authorized deputy, regardless of the place of residence in the United States of the applicant, not less than two nor more than seven years at least prior to the applicant's petition for naturalization, and after the applicant has reached the age of eighteen years, a signed declaration of intention to become a citizen of the United States, which declaration shall be set forth in writing, in triplicate, and shall contain substantially the following averments by such applicant:

Averments.

(1) My full, true, and correct name is _____ (full, true name, without abbreviation, and any other name which has been used, must appear here).

(2) My present place of residence is _____ (number and street), _____ (city or town), _____ (county), _____ (State).

(3) My occupation is _____.

(4) I am _____ years old.

(5) My personal description is as follows: Sex ____; color ____, complexion ____, color of eyes ____, color of hair ____, height ____ feet ____ inches, weight ____ pounds; visible distinctive marks ____; race ____; present nationality ____.

(6) I was born on _____ (month, day, and year), in _____ (city or town), _____ (county, district, province, or state), _____ (country).

(7) I am ____ married; the name of my wife or husband is ____; we were married on _____ (month, day, and year), at _____ (city or town), _____ (state or country); he or she was born at _____ (city or town), _____ (county, district, province, or state), _____ (country), on _____ (month, day, and year); and entered the United States at _____ (city or town), (State), on _____ (month, day, and year), for permanent residence in the United States, and now resides at _____ (city or town), _____ (state or country).

(8) I have ____ children; and the name, sex, date, and place of birth, and present place of residence of each of said children who is living are as follows: _____.

(9) My place of last foreign residence was _____ (city or town), _____ (county, district, or province), _____ (country).

(10) I emigrated to the United States from _____ (city or town), _____ (country).

(11) My lawful entry for permanent residence in the United States was at _____ (city or town), _____ (State), under the name of _____, on _____ (month, day, and year), on the _____ (name of vessel or other means of conveyance).

(12) I have ____ been absent from the United States, having departed therefrom on _____ (dates of departures), from the port or ports of _____, upon the following vessels or other means of conveyance: _____ (names of vessels or conveyances upon departures); and returned to the United States on _____ (dates of return to the United States), at the port or ports of _____, upon the following vessels or other means of conveyance _____ (names of vessels or conveyances upon return).

(13) I have — heretofore made declaration of intention number _____, on _____ (month, day, and year), at _____ (city or town), _____ (county), _____ (State), in the _____ (name of court).

(14) I am not an anarchist, nor a disbeliever in or opposed to organized government, nor a member of or affiliated with any organization or body of persons teaching disbelief in or opposition to organized government.

(15) It is my intention in good faith to become a citizen of the United States and to reside permanently therein.

(16) I will, before being admitted to citizenship, renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which at the time of admission to citizenship I may be a subject or citizen.

(17) I certify that the photograph affixed to the duplicate and triplicate hereof is a likeness of me and was signed by me.

(18) So help me God.

PETITION FOR NATURALIZATION

Averments.

SEC. 332. (a) An applicant for naturalization shall, not less than two nor more than ten years after such declaration of intention has been made, make and file in the office of the clerk of a naturalization court, in duplicate, a sworn petition in writing, signed by the applicant in the applicant's own handwriting, if physically able to write, and duly verified by witnesses, which petition shall contain substantially the following averments by such applicant.

(1) My full, true, and correct name is _____ (full, true name, without abbreviation, and any other name which has been used, must appear here).

(2) My present place of residence is _____ (number and street), _____ (city or town), _____ (county), _____ (State).

(3) My occupation is _____.

(4) I am _____ years old.

(5) My personal description is: Sex _____; color _____, complexion _____, color of eyes _____, color of hair _____, height _____ feet _____ inches, weight _____ pounds; visible distinctive marks _____; race _____; present nationality _____.

(6) I was born on _____ (month, day, and year), in _____ (city or town), _____ (county, district, province, or state), _____ (country).

(7) I am _____ married; the name of my wife or husband is _____; we were married on _____ (month, day, and year), at _____ (city or town), _____ (state or country); he or she was born at _____ (city or town), _____ (county, district, province, or state), _____ (country), on _____ (month, day, and year); entered the United States at _____ (city or town), _____ (State), on _____ (month, day, and year), for permanent residence in the United States, and now resides at _____ (city or town), _____ (state or country).

(8) I have _____ children; and the name, sex, date, and place of birth, and present place of residence of each of said children who is living are as follows: _____.

(9) My last place of foreign residence was _____ (city or town), _____, (county, district, or province), _____, (country).

(10) I emigrated to the United States from _____ (city or town), _____ (country).

(11) My lawful entry for permanent residence in the United States was at _____ (city or town), _____ (State), under the name of _____, on _____ (month, day, and year), on the _____ (name of vessel or other means of conveyance), as shown by the certificate of my arrival attached to this petition.

(12) I have _____ been absent from the United States, having departed therefrom on _____ (dates of departures), from the port or ports of _____, upon the following vessels or other means of conveyance: _____ (names of vessels or conveyances upon departures); and returned to the United States on _____ (dates of return to the United States), at the port or ports of _____, upon the following vessels or other means of conveyance: _____ (names of vessels or conveyances upon return).

(13) I have resided continuously in the United States of America for the term of five years at least immediately preceding the date of this petition, to wit, since _____, and continuously in the State in which this petition is made for the term of six months at least immediately preceding the date of this petition, to wit, since _____.

(14) I declared my intention to become a citizen of the United States on _____ (month, day, and year), in the _____ (name of court) Court of _____, at _____ (city or town), _____ (State).

(15) I have _____ heretofore made petition for naturalization number _____, on _____ (month, day, and year), at _____ (city or town), _____ (county), _____ (State), in the _____ (name of court), and such petition was dismissed or denied by that Court for the following reasons and causes, to wit: _____, and the cause of such dismissal or denial has since been cured or removed.

(16) I am not an anarchist, nor a disbeliever in or opposed to organized government, nor a member of or affiliated with any organization or body of persons teaching disbelief in or opposition to organized government.

(17) I am attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States.

(18) It is my intention in good faith to become a citizen of the United States, and to reside permanently therein.

(19) It is my intention to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which at this time I am a subject or citizen.

(20) Attached hereto and made a part of this, my petition for naturalization, are my declaration of intention to become a citizen of the United States (if such declaration of intention be required by the naturalization law), a certificate of arrival from the Immigration and Naturalization Service of my said lawful entry into the United States for permanent residence (if such certificate of arrival be required by the naturalization law), and the affidavits of the two verifying witnesses required by law.

(21) Wherefore, I, petitioner for naturalization, pray that I may be admitted a citizen of the United States of America, and that my name be changed to _____.

(22) I, aforesaid petitioner, being duly sworn, depose and say that I have (read) (heard read) this petition and know that the same is true of my own knowledge except as to matters herein stated to be alleged upon information and belief, and that as to those matters I believe it to be true; and that this petition is signed by me with my

full, true, and correct name. So help me God. _____
(full, true, and correct name of petitioner).

Averments of other material facts.

(b) The applicant's petition for naturalization, in addition to the averments required by subsection (a) of this section, shall include averments of all other facts which may be material to the applicant's naturalization and required to be proved upon the hearing of such petition.

Filing of certificate of arrival, etc., with petition.

(c) At the time of filing the petition for naturalization there shall be filed with the clerk of court a certificate from the Service, if the petitioner arrived in the United States after June 29, 1906, stating the date, place, and manner of petitioner's arrival in the United States, and the declaration of intention of such petitioner, which certificate and declaration shall be attached to and made a part of said petition.

Making and filing of petitions.

(d) Petitions for naturalization may be made and filed during the term time or vacation of the court and shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court.

HEARING OF PETITIONS

Preliminary hearings by designated examiners.

SEC. 333. (a) The Commissioner or a Deputy Commissioner shall designate members of the Service to conduct preliminary hearings upon petitions for naturalization to any naturalization court and to make findings and recommendations thereon to such court. For such purposes any such designated examiner is hereby authorized to take testimony concerning any matter touching or in any way affecting the admissibility of any petitioner for naturalization, to subpoena witnesses, and to administer oaths, including the oath of the petitioner to the petition for naturalization and the oath of petitioner's witnesses.

Findings, etc., of examiners.

(b) The findings of any such designated examiner upon any such preliminary hearing shall be submitted to the court at the final hearing upon the petition with a recommendation that the petition be granted, or denied, or continued, with the reasons therefor. Such findings and recommendations shall be accompanied by duplicate lists containing the names of the petitioners, classified according to the character of the recommendations, and signed by the designated examiner. The judge to whom such findings and recommendations are submitted shall, if he approve such recommendations, enter a written order with such exceptions as the judge may deem proper, by subscribing his name to each such list when corrected to conform to his conclusions upon such recommendations. One of such lists shall thereafter be filed permanently of record in such court and the duplicate list shall be sent by the clerk of such court to the Commissioner.

Approval by judge.

Final hearing in open court.
Final order.

SEC. 334. (a) Every final hearing upon a petition for naturalization shall be had in open court before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant, and, except as provided in subsection (b) of this section, the witnesses shall be examined under oath before the court and in the presence of the court.

Waiver of examination.

(b) The requirement of subsection (a) of this section for the examination of the petitioner and witnesses under oath before the court and in the presence of the court shall not apply in any case where a designated examiner has conducted the preliminary hearing authorized by subsection (a) of section 333; except that the court may, in its discretion, and shall, upon demand of the petitioner, require the examination of the petitioner and the witnesses under oath before the court and in the presence of the court.

Discretionary authority of court.

Time restrictions on final hearings, etc.

(c) Except as otherwise specifically provided in this Act, no final hearing shall be held on any petition for naturalization nor shall

any person be naturalized nor shall any certificate of naturalization be issued by any court within thirty days after the filing of the petition for naturalization, nor within sixty days preceding the holding of any general election within the territorial jurisdiction of the naturalization court.

(d) The United States shall have the right to appear before any court in any naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of the petition concerning any matter touching or in any way affecting the petitioner's right to admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings.

Right of U. S. to cross-examine, etc.

(e) It shall be lawful at the time and as a part of the naturalization of any person, for the court, in its discretion, upon the prayer of the petitioner included in the petition for naturalization of such person, to make a decree changing the name of said person, and the certificate of naturalization shall be issued in accordance therewith.

Change of name.

OATH OF RENUNCIATION AND ALLEGIANCE

SEC. 335. (a) A person who has petitioned for naturalization shall, before being admitted to citizenship, take an oath in open court (1) to support the Constitution of the United States, (2) to renounce and abjure absolutely and entirely all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which the petitioner was before a subject or citizen, (3) to support and defend the Constitution and the laws of the United States against all enemies, foreign and domestic, and (4) to bear true faith and allegiance to the same, provided that in the case of the naturalization of a child under the provisions of section 315 or 316 the naturalization court may waive the taking of such oath if in the opinion of the court the child is too young to understand its meaning.

Nature.

Ante, p. 1146.

(b) The oath prescribed by subsection (a) of this section which the petitioner for naturalization is required to take, shall be in the following form:

Form.

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely without any mental reservation or purpose of evasion: So help me God. In acknowledgment whereof I have hereunto affixed my signature.

(c) In case the person petitioning for naturalization has borne any hereditary title, or has been of any of the orders of nobility in any foreign state, the petitioner shall, in addition to complying with the requirements of subsections (a) and (b) of this section, make under oath in open court, in the court to which the petition for naturalization is made, an express renunciation of such title or order of nobility, and such renunciation shall be recorded in the court as a part of such proceedings.

Renunciation of title, etc.

CERTIFICATE OF NATURALIZATION

SEC. 336. A person, admitted to citizenship by a naturalization court in conformity with the provisions of this Act, shall be entitled upon such admission to receive from the clerk of such court a certificate of naturalization, which shall contain substantially the following information: number of petition for naturalization; number of certificate of naturalization; date of naturalization; name, signature, place

Contents.

of residence, autographed photograph, and personal description of the naturalized person, including age, sex, marital status, and country of former nationality; title, venue, and location of the naturalization court; statement that the court, having found that the petitioner intends to reside permanently in the United States, had complied in all respects with all of the applicable provisions of the naturalization laws of the United States, and was entitled to be admitted a citizen of the United States of America, thereupon ordered that the petitioner be admitted as a citizen of the United States of America; attestation of the clerk of the naturalization court; and seal of the court.

FUNCTIONS AND DUTIES OF CLERKS OF COURTS

Functions and duties of clerks of courts.

SEC. 337. (a) It is hereby made the duty of the clerk of each and every naturalization court to administer the oath in the clerk's office to each applicant for a declaration of intention made before such clerk, and to retain the original of such declaration of intention for the permanent files of the court, to forward the duplicate thereof to the Commissioner within thirty days after the close of the month in which such declaration was filed, and to furnish the declarant with the triplicate thereof.

(b) It shall be the duty of the clerk of each and every naturalization court to forward to the Commissioner a duplicate of each petition for naturalization within thirty days after the close of the month in which such petition was filed, and to forward to the Commissioner certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of persons as may be required from time to time by the Commissioner.

(c) It shall be the duty of the clerk of each and every naturalization court to issue to any person admitted by such court to citizenship a certificate of naturalization and to forward to the Commissioner within thirty days after the close of the month in which such certificate was issued, a duplicate thereof, and to make and keep on file in the clerk's office a stub for each certificate so issued, whereon shall be entered a memorandum of all the essential facts set forth in such certificate, and to forward a duplicate of each such stub to the Commissioner within thirty days after the close of the month in which such certificate was issued.

(d) It shall be the duty of the clerk of each and every naturalization court to report to the Commissioner, within thirty days after the close of the month in which the final hearing and decision of the court was had, the name and number of the petition of each and every person who shall be denied naturalization together with the cause of such denial.

(e) Clerks of courts shall be responsible for all blank certificates of naturalization received by them from time to time from the Commissioner, and shall account to the Commissioner for them whenever required to do so. No certificate of naturalization received by any clerk of court which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned to the Commissioner.

(f) It shall be the duty of the clerk of each and every naturalization court to cause to be filed in chronological order in separate volumes, indexed, consecutively numbered, and made a part of the records of such court, all declarations of intention and petitions for naturalization.

REVOCATION OF NATURALIZATION

Fraud, etc.

SEC. 338. (a) It shall be the duty of the United States district attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any court specified in sub-

section (a) of section 301 in the judicial district in which the naturalized citizen may reside at the time of bringing suit, for the purpose of revoking and setting aside the order admitting such person to citizenship and canceling the certificate of naturalization on the ground of fraud or on the ground that such order and certificate of naturalization were illegally procured.

Ante, p. 1140.

(b) The party to whom was granted the naturalization alleged to have been fraudulently or illegally procured shall, in any such proceedings under subsection (a) of this section, have sixty days' personal notice in which to make answer to the petition of the United States; and if such naturalized person be absent from the United States or from the judicial district in which such person last had his residence, such notice shall be given by publication in the manner provided for the service of summons by publication or upon absentees by the laws of the State or the place where such suit is brought.

Notice.

(c) If a person who shall have been naturalized shall, within five years after such naturalization, return to the country of such person's nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered prima facie evidence of a lack of intention on the part of such person to become a permanent citizen of the United States at the time of filing such person's petition for naturalization, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the revocation and setting aside of the order admitting such person to citizenship and the cancellation of the certificate of naturalization as having been obtained through fraud. The diplomatic and consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with the names of those persons within their respective jurisdictions who have been so naturalized and who have taken permanent residence in the country of their nativity, or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to revoke and set aside the order admitting to citizenship and to cancel the certificate of naturalization.

Taking permanent residence abroad.

Furnishing of certified statements by diplomatic, etc., officers of U. S.

(d) The revocation and setting aside of the order admitting any person to citizenship and canceling his certificate of naturalization under the provisions of subsection (a) of section 338 shall not, where such action takes place after the effective date of this Act, result in the loss of citizenship or any right or privilege of citizenship which would have been derived by or available to a wife or minor child of the naturalized person had such naturalization not been revoked, but the citizenship and any such right or privilege of such wife or minor child shall be deemed valid to the extent that it shall not be affected by such revocation: *Provided*, That this subsection shall not apply in any case where the revocation and setting aside of the order was the result of actual fraud.

Effect of revocation upon status of wife, etc.

Ante, p. 1158.

Provido.
Actual fraud.

(e) When a person shall be convicted under this Act of knowingly procuring naturalization in violation of law, the court in which such conviction is had shall thereupon revoke, set aside, and declare void the final order admitting such person to citizenship, and shall declare the certificate of naturalization of such person to be canceled. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

Cancellation of certificate.

(f) Whenever an order admitting an alien to citizenship shall be revoked and set aside or a certificate of naturalization shall be canceled, or both, as provided in this section, the court in which such judgment or decree is rendered shall make an order canceling such certificate and shall send a certified copy of such order to the Commissioner; in case such certificate was not originally issued by the court making such order, it shall direct the clerk of the naturalization court in which the

Order of cancellation.

Copy to issuing court.

order is revoked and set aside to transmit a copy of such order and judgment to the court out of which such certificate of naturalization shall have been originally issued. It shall thereupon be the duty of the clerk of the court receiving such certified copy of the order and judgment of the court to enter the same of record and to cancel such original certificate of naturalization, if there be any, upon the records and to notify the Commissioner of the entry of such order and of such cancellation. A person holding a certificate of naturalization or citizenship which has been canceled as provided by this section shall upon notice by the court by which the decree of cancellation was made, or by the Commissioner, surrender the same to the Commissioner.

(g) The provisions of this section shall apply not only to any naturalization granted and to certificates of naturalization and citizenship issued under the provisions of this Act, but to any naturalization heretofore granted by any court, and to all certificates of naturalization and citizenship which may have been issued heretofore by any court or by the Commissioner based upon naturalization granted by any court.

CERTIFICATES OF DERIVATIVE CITIZENSHIP

Issuance, etc.

SEC. 339. A person who claims to have derived United States citizenship through the naturalization of a parent or through the naturalization or citizenship of a spouse may apply to the Commissioner for a certificate of citizenship. Upon proof to the satisfaction of the Commissioner that the applicant is a citizen, and that the applicant's alleged citizenship was derived as claimed, and upon taking and subscribing before a member of the Service within the United States to the oath of allegiance required by this Act of a petitioner for naturalization, such individual shall be furnished by the Commissioner or a Deputy Commissioner with a certificate of citizenship, but only if such individual is at the time within the United States.

REVOCATION OF CERTIFICATES ISSUED BY THE COMMISSIONER OR A DEPUTY COMMISSIONER

Cancellation of certificates, etc.

Notice.

SEC. 340. The Commissioner is authorized to cancel any certificate of citizenship or any copy of a declaration of intention or certificate of naturalization heretofore or hereafter issued by the Commissioner or a Deputy Commissioner if it shall appear to the Commissioner's satisfaction that such document was illegally or fraudulently obtained from the Commissioner or a Deputy Commissioner; but the person to whom such document has been issued, shall be given at such person's last known place of address, written notice of the intention to cancel such document with the reasons therefor and shall be given at least sixty days in which to show cause why such document should not be canceled. The cancellation of any such document shall affect only the document and not the citizenship status of the person in whose name the document was issued.

DOCUMENTS AND COPIES ISSUED BY THE COMMISSIONER OR A DEPUTY COMMISSIONER

Certificates of naturalization.
Ante, p. 1149.

SEC. 341. (a) A person who claims to have been naturalized in the United States under section 323 of this Act may make application to the Commissioner for a certificate of naturalization. Upon proof to the satisfaction of the Commissioner or a Deputy Commissioner that the applicant is a citizen and that he has been naturalized as claimed in the application, such individual shall be furnished a certificate of naturalization by the Commissioner or a Deputy Commissioner, but only if the applicant is at the time within the United States.

(b) If any certificate of naturalization or citizenship issued to any citizen, or any declaration of intention furnished to any declarant, is lost, mutilated, or destroyed, the citizen or declarant may make application to the Commissioner for a new certificate or declaration. If the Commissioner or a Deputy Commissioner finds that the certificate or declaration is lost, mutilated, or destroyed, he shall issue to the applicant a new certificate or declaration. If the certificate or declaration has been mutilated, it shall be surrendered to the Commissioner or a Deputy Commissioner before the applicant may receive such new certificate or declaration. If the certificate or declaration has been lost, the applicant or any other person who may come into possession of it is hereby required to surrender it to the Commissioner or a Deputy Commissioner.

Loss, etc., of certificates or declarations.

(c) The Commissioner or a Deputy Commissioner shall issue for any naturalized citizen, on such citizen's application therefor, a special certificate of naturalization for use by such citizen only for the purpose of obtaining recognition as a citizen of the United States by a foreign state. Such certificate when issued shall be furnished to the Secretary of State for transmission to the proper authority in such foreign state.

Special certificate of naturalization.

(d) If the name of any naturalized citizen has, subsequent to naturalization, been changed by order of any court of competent jurisdiction, or by marriage, the citizen may make application for a new certificate of naturalization in the new name of such citizen. If the Commissioner or a Deputy Commissioner finds the name of the applicant to have been changed as claimed, the Commissioner or a Deputy Commissioner shall issue to the applicant a new certificate and shall notify the naturalization court of such action.

New certificate showing change of name.

(e) The Commissioner or a Deputy Commissioner is authorized to make and issue, without fee, certifications of any part of the naturalization records of any court, or of any certificate of naturalization or citizenship, for use in complying with any statute, State or Federal, or in any judicial proceeding. No such certification shall be made by any clerk of court except upon order of the court.

Certifications of records, etc.

FISCAL PROVISIONS

SEC. 342. (a) The clerk of each and every naturalization court shall charge, collect, and account for the following fees:

Court fees.

(1) For receiving and filing a declaration of intention, and issuing a duplicate and triplicate thereof, \$2.50.

(2) For making, filing, and docketing a petition for naturalization, \$5, including the final hearing on such petition, if such hearing be held, and a certificate of naturalization, if the issuance of such certificate is authorized by the naturalization court.

(b) The Commissioner shall charge, collect, and account for the following fees:

Commissioner's fees.

(1) For application for record of registry, \$18.

(2) For the issuance of each certificate of arrival, \$2.50.

(3) For application for a declaration of intention in lieu of a declaration alleged to have been lost, mutilated, or destroyed, \$1.

(4) For application for a certificate of naturalization in lieu of a certificate alleged to have been lost, mutilated, or destroyed, \$1.

(5) For application for a certificate of derivative citizenship, \$5.

(6) For application for the issuance of a special certificate of citizenship to obtain recognition, \$5.

(7) For application for a certificate of naturalization under section 323, \$1.

(8) For application for a certificate of citizenship in changed name, \$5.

(9) Reasonable fees, with the approval of the Attorney General, in cases where such fees have not been established by law, to cover the cost of furnishing, to other than officials or agencies of the Federal Government, copies, whether certified or uncertified, of any part of the records, or information from the records, of the Service. Such fees shall not exceed a maximum of 25 cents per folio, with a minimum fee of 50 cents for any one such service, in addition to a fee of \$1 for any official certification furnished under seal.

Accounting.
Anze, p. 1140.

(c) The clerk of any naturalization court specified in subsection (a) of section 301 (except the courts specified in subsection (d) of this section), shall account for and pay over to the Commissioner one-half of all fees up to the sum of \$6,000, and all fees in excess of \$6,000, collected by any such clerk in naturalization proceedings in any fiscal year.

(d) The clerk of any United States district court (except in Alaska) and the clerk of the District Court of the United States for the District of Columbia shall account for and pay over to the Commissioner all fees collected by any such clerks in naturalization proceedings.

(e) The accounting required by subsections (c) and (d) of this section shall be made and the fees paid over to the Commissioner by such respective clerks in their quarterly accounts which they are hereby required to render to the Commissioner within thirty days from the close of each quarter of each and every fiscal year, in accordance with regulations prescribed by the Commissioner.

Pay of additional
clerical force.

(f) The clerks of the various naturalization courts shall pay all additional clerical force that may be required in performing the duties imposed by this Act upon clerks of courts from fees retained under the provisions of this section by such clerks in naturalization proceedings.

Deposit of fees.

(g) All fees collected by the Commissioner and all fees paid over to the Commissioner by clerks of naturalization courts under the provisions of this Act, shall be deposited by the Commissioner in the Treasury of the United States.

Limitation on coun-
sel's fees; exception.

(h) In all naturalization proceedings in which an alien applying for a certificate of naturalization or of citizenship is represented by counsel, there is hereby established a limit of \$25 for counsel's fees, except where legal action before a court requires extended legal service when the court may approve a reasonable fee in excess of \$25.

Wartime fee restric-
tions.

(i) During the time when the United States is at war no clerk of a United States court shall charge or collect a naturalization fee from an alien in the military or naval service of the United States for filing a petition for naturalization or issuing a certificate of naturalization upon admission to citizenship, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected. A report of all transactions under this subsection shall be made to the Commissioner as in the case of other reports required of clerks of courts by this Act.

Report to Commis-
sioner.

Additional fees, etc.

(j) In addition to the other fees required by this Act, the petitioner for naturalization shall, upon the filing of a petition for naturalization, deposit with and pay to the clerk of the naturalization court a sum of money sufficient to cover the expenses of subpoenaing and paying the legal fees of any witnesses for whom such petitioner may request a subpoena, and upon the final discharge of such witnesses, they shall receive, if they demand the same from the clerk, the customary and usual witness fees from the moneys which the petitioner shall have paid to such clerk for such purpose, and the residue, if any, shall be returned by the clerk to the petitioner.

MAIL

SEC. 343. All mail matter of whatever class, relating to naturalization, including duplicate papers required by law or regulation to be sent to the Service by clerks of courts addressed to the Department of Justice or the Service, or any official thereof, and endorsed "Official Business", shall be transmitted free of postage and by registered mail if necessary, and so marked.

Transmittal free of postage.

TEXTBOOKS

SEC. 344. Authorization is hereby granted for the publication and distribution of the citizenship textbook described in subsection (c) of section 327, and for the reimbursement of the printing and binding appropriation of the Department of Justice upon the records of the Treasury Department from the naturalization fees deposited in the Treasury through the Service for the cost of such publication and distribution, such reimbursement to be made upon statements by the Commissioner of books so published and distributed.

Citizenship textbook.
Ante, p. 1151.

COMPILATION OF NATURALIZATION STATISTICS

SEC. 345. The Commissioner is authorized and directed to prepare from the records in the custody of the Service a report upon those heretofore seeking citizenship to show by nationalities their relation to the numbers of aliens annually arriving and to the prevailing census populations of the foreign born, their economic, vocational, and other classification, in statistical form, with analytical comment thereon, and to prepare such report annually hereafter. Payment for the equipment used in preparing such compilation shall be made from the appropriation, "Salaries and expenses, Immigration and Naturalization Service".

Preparation, etc.

PENAL PROVISIONS

SEC. 346. (a) It is hereby made a felony for any alien or other person, whether an applicant for naturalization or citizenship, or otherwise, and whether an employee of the Government of the United States or not—

Penal provisions.
Felonies.

(1) Knowingly to make a false statement under oath, either orally or in writing, in any case, proceeding, or matter relating to, or under, or by virtue of any law of the United States relating to naturalization or citizenship.

(2) Knowingly to procure or attempt to procure—

a. The naturalization of any such person, contrary to the provisions of any law; or

b. Documentary or other evidence of naturalization or of citizenship of any such person, contrary to the provisions of any law.

(3) To procure or attempt to procure any documentary or other evidence of naturalization or of citizenship of any person knowing or having reason to believe that such person is not entitled thereto.

(4) To encourage, advise, aid, or assist any person—

a. Not then entitled or qualified under this Act to apply for a declaration of intention, to apply for such declaration of intention, with knowledge or having reason to believe that such person was not then so entitled or qualified; or

b. Not then entitled or qualified under this Act to secure a declaration of intention, to obtain such declaration of intention, with knowledge that such person was not then so entitled or qualified; or

c. Not then entitled or qualified under this Act to apply for natu-

Felonies—Cont.

ralization or citizenship, to apply for such naturalization or citizenship, with knowledge that such person was not then so entitled or qualified; or

d. Not then entitled or qualified under this Act to obtain naturalization or citizenship, to obtain such naturalization or citizenship, with knowledge that such person was not then so entitled or qualified; or

e. Not then entitled or qualified under this Act to apply for documentary or other evidence of naturalization or of citizenship, to apply for such documentary or other evidence of naturalization or of citizenship, with knowledge that such person was not then so entitled or qualified; or

f. Not then entitled or qualified under this Act to obtain documentary or other evidence of naturalization or of citizenship, to obtain such documentary or other evidence of naturalization or of citizenship, with knowledge that such person was not then so entitled or qualified.

(5) To encourage, aid, advise, or assist any person not entitled thereto to obtain, accept, or receive any certificate of arrival, declaration of intention, certificate of naturalization, or certificate of citizenship, or other documentary evidence of naturalization or of citizenship—

a. Knowing the same to have been procured by fraud; or

b. Knowing the same to have been procured by the use or means of any false name or false statement given or made with the intent to procure the issuance of such certificate of arrival, declaration of intention, certificate of naturalization, or certificate of citizenship, or other documentary evidence of naturalization or of citizenship; or

c. Knowing the same to have been fraudulently altered in any manner.

(6) Knowingly, in any naturalization or citizenship proceeding, whether as the applicant, declarant, petitioner, witness, or otherwise in such proceeding—

a. To personate another person;

b. To appear falsely in the name of a deceased person, or in an assumed or fictitious name.

(7) Knowingly, contrary to the provisions of this Act—

a. To issue a certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship; or

b. To assist in or be a party to the issuance of a certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship.

(8) Knowingly to possess without lawful authority or lawful excuse, and with intent unlawfully to use the same, any false, forged, antedated, or counterfeited certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, purporting to have been issued under any law of the United States relating to naturalization or citizenship, knowing such certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship to be false, forged, antedated, or counterfeited.

(9) Falsely to make, forge, or counterfeit any oath, notice, affidavit, certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, or any order, record, signature, or other instrument, paper, or proceeding, required or authorized by any law relating to naturalization or citizenship.

(10) To cause or procure to be falsely made, forged, or counterfeited, any oath, notice, affidavit, certificate, certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, or any order, record, signature, or other instrument, paper, or proceeding, required or authorized by any law relating to naturalization or citizenship.

(11) To aid or assist in falsely making, forging, or counterfeiting, any oath, notice, affidavit, certificate, certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, or any order, record, signature, or other instrument, paper, or proceeding, required or authorized by any law relating to naturalization or citizenship.

(12) To utter, sell, dispose of, or use as true or genuine, for any unlawful purpose, any false, forged, antedated, or counterfeited oath, notice, affidavit, certificate, certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, or any order, record, signature, or other instrument, paper, or proceeding, required or authorized by any law relating to naturalization or citizenship.

(13) To sell, or dispose of unlawfully, a declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship.

(14) Knowingly to use in any manner for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise unlawfully, any order, certificate, certificate of naturalization, certificate of citizenship, judgment, decree, or exemplification, showing any person to be naturalized or admitted to be a citizen, whether heretofore or hereafter issued or made, which has been unlawfully issued or made.

(15) Knowingly and unlawfully to use, or attempt to use, any order, certificate, certificate of naturalization, certificate of citizenship, judgment, decree, or exemplification, showing any person to be naturalized or admitted to be a citizen, whether heretofore or hereafter issued or made, which has been issued to or in the name of any other person or in a fictitious name, or in the name of a deceased person.

(16) To use or attempt to use any certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or other documentary evidence of naturalization or of citizenship heretofore or which may hereafter be issued or granted, knowing the same to be forged, counterfeited, or antedated, or to have been procured by fraud or by false evidence, or without appearance or hearing of the applicant in court where such appearance and hearing are required, or otherwise unlawfully obtained.

(17) To aid, assist, or participate in the use of any certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or other documentary evidence of naturalization or of citizenship heretofore or which may hereafter be issued or granted, knowing the same to be forged, counterfeited, or antedated, or to have been procured by fraud or by false evidence, or without appearance or hearing of the applicant in court where such appearance and hearing are required, or otherwise unlawfully obtained.

(18) Knowingly to falsely represent himself to be a citizen of the United States without having been naturalized or admitted to citizenship, or without otherwise being a citizen of the United States.

(19) Knowingly, with the intent to avoid any duty or liability imposed or required by law, to deny that he has been naturalized or

Felonies—Cont.

admitted to be a citizen, after having been so naturalized or admitted.

(20) To engrave, without lawful authority, any plate in the likeness of any plate designed for the printing of a declaration of intention, or certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship.

(21) To cause or procure to be engraved, without lawful authority, any plate in the likeness of any plate designed for the printing of a declaration of intention, or certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship.

(22) To assist in engraving, without lawful authority, any plate in the likeness of any plate designed for the printing of a declaration of intention, or certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship.

(23) To sell any plate in the likeness of any plate designed for the printing of a declaration of intention, or certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, except by direction of the Commissioner or other proper officer of the United States.

(24) To bring into the United States from any foreign place any plate in the likeness of any plate designed for the printing of a declaration of intention, certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, except by direction of the Commissioner or other proper officer of the United States.

(25) To have in the control, custody, or possession of any such alien or other person, any metallic plate engraved after the similitude of any plate from which any declaration of intention, or certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, has been or is to be printed, with intent to use or to suffer such plate to be used in forging or counterfeiting any such declaration of intention, or certificate of naturalization, or certificate of citizenship, or other documentary evidence or any part thereof.

(26) To bring into the United States from any foreign place, except by direction of the Commissioner or other proper officer of the United States, any declaration of intention, or certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, printed from any metallic plate engraved after the similitude of any plate from which any declaration of intention, certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship has been or is to be printed.

(27) To have in his possession, without lawful authority, any blank certificate of arrival, blank declaration of intention, or blank certificate of naturalization or of citizenship, provided by the Service, with the intent unlawfully to use the same.

(28) To have in his possession a distinctive paper which has been adopted by the proper officer or agency of the United States for the printing or engraving of any declaration of intention, or certificate of naturalization or of citizenship, with intent unlawfully to use the same.

(29) To print, photograph, make, or execute, or in any manner cause to be printed, photographed, made, or executed, without lawful authority, any print or impression in the likeness of any certificate of arrival, declaration of intention, or certificate of naturalization or of citizenship, or any part thereof.

(30) Knowingly to procure or attempt to procure an alien or other person to violate any of the provisions of this Act.

(31) Failing, after at least sixty days' notice, by the appropriate court or the Commissioner or a Deputy Commissioner, to surrender a certificate of naturalization or citizenship which has been canceled, in accordance with the provisions of this Act, such person having such certificate in his possession or under his control.

(32) Knowingly to certify that an applicant, declarant, petitioner, affiant, witness, deponent, or other person named in an application, declaration, petition, affidavit, deposition, or certificate of naturalization, or certificate of citizenship, or other paper or writing required or authorized to be executed or used under the provisions of this Act, personally appeared before the person making such certification and was sworn thereto or acknowledged the execution thereof, or signed the same, when in fact such applicant, declarant, petitioner, affiant, witness, deponent, or other person, did not personally appear before the person making such certification, or was not sworn thereto, or did not execute the same, or did not acknowledge the execution thereof.

(33) Knowingly to demand, charge, solicit, collect, or receive, or agree to charge, solicit, collect, or receive any other or additional fees or moneys in naturalization or citizenship or other proceedings under this Act than the fees and moneys specified in such Act.

(34) Willfully to neglect to render true accounts of moneys received by any clerk of a naturalization court or such clerk's assistant or any other person under this Act or willfully to neglect to pay over any balance of such moneys due to the United States within thirty days after said payment shall become due and demand therefor has been made and refused, which neglect shall constitute embezzlement of the public moneys.

(b) The provisions of this section shall apply to copies and duplicates of certificates of arrival, of declarations of intention, of certificates of naturalization, of certificates of citizenship, and of other documents required or authorized by the naturalization laws and citizenship laws as well as to the originals of such certificates of arrival, declarations of intention, certificates of naturalization, certificates of citizenship, and other documents, whether issued by any court or by the Commissioner or a Deputy Commissioner.

(c) The provisions of this section shall apply to all proceedings had or taken or attempted to be had or taken, before any court specified in subsection (a) of section 301, or any court, in which proceedings for naturalization may have been or may be commenced or attempted to be commenced, and whether or not such court at the time such proceedings were had or taken was vested by law with jurisdiction in naturalization proceedings.

(d) Any person violating any provision of subsection (a) of this section shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(e) Any person who has been subpoenaed under the provisions of subsection (d) of section 309 to appear on the final hearing of a petition for naturalization, and who shall neglect or refuse to so appear and to testify, if in the power of such person to do so, shall be subject to the penalties prescribed by subsection (d) of this section.

(f) If any person shall use the endorsement "Official Business" authorized by section 343 to avoid payment of postage or registry fee on a private letter, package, or other matter in the mail, such person shall be guilty of a misdemeanor and subject to a fine of \$300, to be prosecuted in any court of competent jurisdiction.

(g) No person shall be prosecuted, tried, or punished for any crime arising under the provisions of this Act unless the indictment is found or the information is filed within five years next after the commission of such crime.

Felonies—Cont.

Applicability to certain documents, etc.

Applicability to certain court proceedings.
Ante, p. 1140.

Penalty.

Noncompliance with subpoenas.
Ante, p. 1144.

Avoidance of postage, etc., charges; penalty.
Ante, p. 1163.

Time limitation for finding indictment, etc.

Applicability of existing laws to prior crimes.

(h) For the purpose of the prosecution of all crimes and offenses against the naturalization or citizenship laws of the United States which may have been committed prior to the date when this Act shall go into effect, the existing naturalization and citizenship laws shall remain in full force and effect.

Testimony of officers, etc.

(i) It shall be lawful and admissible as evidence in any proceedings founded under this Act, or any of the penal or criminal provisions of the immigration, naturalization or citizenship laws, for any officer or employee of the United States to render testimony as to any statement voluntarily made to such officer or employee in the course of the performance of the official duties of such officer or employee by any defendant at the time of or subsequent to the alleged commission of any crime or offense referred to in this section which may tend to show that such defendant did not or could not have had knowledge of any matter concerning which such defendant is shown to have made affidavit, or oath, or to have been a witness pursuant to such law or laws.

Noncompliance by clerks of court; penalty.
Ante, p. 1158.

(j) In case any clerk of court shall refuse or neglect to comply with any of the provisions of section 337 (a), (b), (c), or (d), such clerk of court shall forfeit and pay to the United States the sum of \$25 in each and every case in which such violation or omission occurs, and the amount of such forfeiture may be recovered by the United States in an action of debt against such clerk.

Failure to account for certificates.
Ante, p. 1158.

(k) If any clerk of court shall fail to return to the Service or properly account for any certificate of naturalization furnished by the Service as provided in subsection (e) of section 337, such clerk of court shall be liable to the United States in the sum of \$50, to be recovered in an action of debt, for each and every such certificate not properly accounted for or returned.

Provisions applicable to record of registry.
Ante, p. 1151.

(l) The provisions of subsections (a), (b), (d), (g), (h), and (i) of this section shall apply in respect of the application for and the record of registry authorized by section 328, in the same manner and to the same extent, including penalties, as they apply in any naturalization or citizenship proceeding or any other proceeding under section 346.

Ante, p. 1163.

SAVING CLAUSES

Saving clauses.
Ante, p. 1140; *post*, p. 1171.

SEC. 347. (a) Nothing contained in either chapter III or in chapter V of this Act, unless otherwise provided therein, shall be construed to affect the validity of any declaration of intention, petition for naturalization, certificate of naturalization or of citizenship, or other document or proceeding which shall be valid at the time this Act shall take effect; or to affect any prosecution, suit, action, or proceedings, civil or criminal, brought, or any act, thing, or matter, civil or criminal, done or existing, at the time this Act shall take effect; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters, the statutes or parts of statutes repealed by this Act, are hereby continued in force and effect.

Hearing of pending petition.

(b) Any petition for naturalization heretofore filed which may be pending at the time this Act shall take effect shall be heard and determined within two years thereafter in accordance with the requirements of law in effect when such petition was filed.

CHAPTER IV—LOSS OF NATIONALITY

SEC. 401. A person who is a national of the United States, whether by birth or naturalization, shall lose his nationality by:

Naturalization in foreign state.

(a) Obtaining naturalization in a foreign state, either upon his own application or through the naturalization of a parent having legal

custody of such person: *Provided, however,* That nationality shall not be lost as the result of the naturalization of a parent unless and until the child shall have attained the age of twenty-three years without acquiring permanent residence in the United States: *Provided further,* That a person who has acquired foreign nationality through the naturalization of his parent or parents, and who at the same time is a citizen of the United States, shall, if abroad and he has not heretofore expatriated himself as an American citizen by his own voluntary act, be permitted within two years from the effective date of his Act to return to the United States and take up permanent residence therein, and it shall be thereafter deemed that he has elected to be an American citizen. Failure on the part of such person to so return and take up permanent residence in the United States during such period shall be deemed to be a determination on the part of such person to discontinue his status as an American citizen, and such person shall be forever stopped by such failure from thereafter claiming such American citizenship; or

(b) Taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state; or

(c) Entering, or serving in, the armed forces of a foreign state unless expressly authorized by the laws of the United States, if he has or acquires the nationality of such foreign state; or

(d) Accepting, or performing the duties of, any office, post, or employment under the government of a foreign state or political subdivision thereof for which only nationals of such state are eligible; or

(e) Voting in a political election in a foreign state or participating in an election or plebiscite to determine the sovereignty over foreign territory; or

(f) Making a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state, in such form as may be prescribed by the Secretary of State; or

(g) Deserting the military or naval service of the United States in time of war, provided he is convicted thereof by a court martial; or

(h) Committing any act of treason against, or attempting by force to overthrow or bearing arms against the United States, provided he is convicted thereof by a court martial or by a court of competent jurisdiction.

SEC. 402. A national of the United States who was born in the United States or who was born in any place outside of the jurisdiction of the United States of a parent who was born in the United States, shall be presumed to have expatriated himself under subsection (c) or (d) of section 401, when he shall remain for six months or longer within any foreign state of which he or either of his parents shall have been a national according to the laws of such foreign state, or within any place under control of such foreign state, and such presumption shall exist until overcome whether or not the individual has returned to the United States. Such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, or to an immigration officer of the United States, under such rules and regulations as the Department of State and the Department of Justice jointly prescribe. However, no such presumption shall arise with respect to any officer or employee of the United States while serving abroad as such officer or employee, nor to any accompanying member of his family.

SEC. 403. (a) Except as provided in subsections (g) and (h) of section 401, no national can expatriate himself, or be expatriated, under this section while within the United States or any of its outlying possessions, but expatriation shall result from the performance

Provisos.
Effect upon child.

Election of American citizenship.

Oath of allegiance to foreign state.

Service in foreign armed forces.

Employment, etc., by foreign government.

Voting in foreign political elections, etc.

Formal renunciation of nationality.

Deserting U. S. military or naval service.

Committing treason, etc.

Presumption of expatriation.

Overcoming presumption.

Persons excepted.

Limitation on expatriation within U. S.

within the United States or any of its outlying possessions of any of the acts or the fulfillment of any of the conditions specified in this section if and when the national thereafter takes up a residence abroad.

Expatriation of certain minors, restriction.

Expatriation of naturalized nationals through foreign residence.

(b) No national under eighteen years of age can expatriate himself under subsections (b) to (g), inclusive, of section 401.

SEC. 404. A person who has become a national by naturalization shall lose his nationality by:

(a) Residing for at least two years in the territory of a foreign state of which he was formerly a national or in which the place of his birth is situated, if he acquires through such residence the nationality of such foreign state by operation of the law thereof; or

(b) Residing continuously for three years in the territory of a foreign state of which he was formerly a national or in which the place of his birth is situated, except as provided in section 406 hereof.

(c) Residing continuously for five years in any other foreign state, except as provided in section 406 hereof.

Persons in U. S. employ abroad, etc.

SEC. 405. Section 404 shall have no application to a person:

(a) Who resides abroad in the employment and under the orders of the Government of the United States;

(b) Who is receiving compensation from the Government of the United States and residing abroad on account of disability incurred in its service.

No expatriation by residence abroad in designated cases.

SEC. 406. Subsections (b) and (c) of section 404 shall have no application to a person:

(a) Who shall have resided in the United States not less than twenty-five years subsequent to his naturalization and shall have attained the age of sixty-five years when the foreign residence is established;

(b) Who is residing abroad upon the date of the approval of this Act, or who is thereafter sent abroad, and resides abroad temporarily solely or principally to represent a bona fide American educational, scientific, philanthropic, religious, commercial, financial, or business organization, having its principal office or place of business in the United States, or an international agency of an official character in which the United States participates, for which he receives a substantial compensation;

(c) Who is residing abroad on account of ill health;

(d) Who is residing abroad for the purpose of pursuing studies of a specialized character or attending an institution of learning of a grade above that of a preparatory school, provided that such residence does not exceed five years;

(e) Who is the wife, husband, or child under twenty-one years of age of, and is residing abroad for the purpose of being with, an American citizen spouse or parent who is residing abroad for one of the objects or causes specified in section 405 or subsections (a), (b), (c), or (d) hereof;

(f) Who was born in the United States or one of its outlying possessions, who originally had American nationality, and who, after having lost such nationality through marriage to an alien, reacquired it.

Effect of parent's loss of nationality upon minors residing abroad.

SEC. 407. A person having American nationality, who is a minor and is residing in a foreign state with or under the legal custody of a parent who loses American nationality under section 404 of this Act, shall at the same time lose his American nationality if such minor has or acquires the nationality of such foreign state: *Provided*, That, in such case, American nationality shall not be lost as the result of loss of American nationality by the parent unless and until the

Proviso.
Condition.

child attains the age of twenty-three years without having acquired permanent residence in the United States.

SEC. 408. The loss of nationality under this Act shall result solely from the performance by a national of the acts or fulfillment of the conditions specified in this Act.

SEC. 409. Nationality shall not be lost under the provisions of section 404 or 407 of this Act until the expiration of one year following the date of the approval of this Act: *Provided, however,* That a naturalized person who shall have become subject to the presumption that he has ceased to be an American citizen as provided for in the second paragraph of section 2 of the Act of March 2, 1907 (34 Stat. 1228), and who shall not have overcome it under the rules in effect immediately preceding the date of the approval of this Act, shall continue to be subject to such presumption for the period of one year following the date of the approval of this Act unless it is overcome during such period.

SEC. 410. Nothing in this Act shall be applied in contravention of the provisions of any treaty or convention to which the United States is a party upon the date of the approval of this Act.

Loss dependent on own acts, etc.

Time restriction on loss of nationality.
Ante, p. 1170.

Proviso.
Persons subject to designated presumption.

8 U. S. C. § 17.

Noncontravention of treaties, etc.

CHAPTER V—MISCELLANEOUS

SEC. 501. Whenever a diplomatic or consular officer of the United States has reason to believe that a person while in a foreign state has lost his American nationality under any provision of chapter IV of this Act, he shall certify the facts upon which such belief is based to the Department of State, in writing, under regulations to be prescribed by the Secretary of State. If the report of the diplomatic or consular officer is approved by the Secretary of State, a copy of the certificate shall be forwarded to the Department of Justice, for its information, and the diplomatic or consular office in which the report was made shall be directed to forward a copy of the certificate to the person to whom it relates.

Certificates of loss of nationality.
Ante, p. 1168.

SEC. 502. The Secretary of State is hereby authorized to issue, in his discretion and in accordance with rules and regulations prescribed by him, a certificate of nationality for any person not a naturalized citizen of the United States who presents satisfactory evidence that he is an American national and that such certificate is needed for use in judicial or administrative proceedings of a foreign state. Such certificate shall be solely for use in the case for which it was issued and shall be transmitted by the Secretary of State through appropriate official channels to the judicial or administrative officers of the foreign state in which it is to be used.

Certificates of nationality.

Use.

SEC. 503. If any person who claims a right or privilege as a national of the United States is denied such right or privilege by any Department or agency, or executive official thereof, upon the ground that he is not a national of the United States, such person, regardless of whether he is within the United States or abroad, may institute an action against the head of such Department or agency in the District Court of the United States for the District of Columbia or in the district court of the United States for the district in which such person claims a permanent residence for a judgment declaring him to be a national of the United States. If such person is outside the United States and shall have instituted such an action in court, he may, upon submission of a sworn application showing that the claim of nationality presented in such action is made in good faith and has a substantial basis, obtain from a diplomatic or consular officer of the United States in the foreign country in which he is residing a certificate of identity

Court proceedings for declaration of U. S. nationality.

Certificates of identity for U. S. entry.

Appeal.

Rules, etc.

Repeal.

stating that his nationality status is pending before the court, and may be admitted to the United States with such certificate upon the condition that he shall be subject to deportation in case it shall be decided by the court that he is not a national of the United States. Such certificate of identity shall not be denied solely on the ground that such person has lost a status previously had or acquired as a national of the United States; and from any denial of an application for such certificate the applicant shall be entitled to an appeal to the Secretary of State, who, if he approves the denial, shall state in writing the reasons for his decision. The Secretary of State, with approval of the Attorney General, shall prescribe rules and regulations for the issuance of certificates of identity as above provided.

SEC. 504. The following Acts or parts of Acts are hereby repealed; Section 1992, Revised Statutes (U. S. C., title 8, sec. 1); Section 1993, Revised Statutes, as amended by section 1, Act of May 24, 1934 (48 Stat. 797; U. S. C., title 8, sec. 6); Section 2166, Revised Statutes, as limited by section 2, Act of May 9, 1918 (40 Stat. 546-547; U. S. C., title 8, sec. 395); Section 2172, Revised Statutes (U. S. C., title 8, sec. 7); Section 100, Act of April 30, 1900 (31 Stat. 161; U. S. C., title 8, sec. 385 (first paragraph));

Act of June 29, 1906, chapter 3592 (34 Stat. 596) (except subdivisions 6 and 8 of section 4 and sections 10, 16, 17, 19, and 26, thereof), as added to, supplemented, or amended by section 1, Act of June 25, 1910 (36 Stat. 829); section 1, and second paragraph of section 3, Act of May 9, 1918 (40 Stat. 542-546, 547, 548); Act of June 8, 1926 (44 Stat. 709); section 4, Act of February 25, 1927 (44 Stat. 1235); Act of March 2, 1929 (45 Stat. 1512) (except sections 6 (e), and section 7 (b), thereof); section 1, Act of March 4, 1929 (45 Stat. 1545); Act of June 21, 1930 (46 Stat. 791); sections 1, 2, 3, and 4 (a), Act of March 3, 1931 (46 Stat. 1511); Act of May 25, 1932 (47 Stat. 165) (except sections 1, 5, and 7, thereof); and Act of April 19, 1934 (48 Stat. 597); United States Code, title 8, sections 18, 106, 106a, 106b, 106c, 351, 352, 353, 354, 356, 357, 358, 358a, 360, 364, 365, 372, 373, 377, 377c, 378, 379, 380, 380b, 381, 382, 384, 386, 387, 388, 389, 391, 392, 393, 394, 396, 397, 398, 399, 399a, 399b (a), 399b (b), 399b (c), 399b (d), 399c (a), 399c (b), 399c (c), 399d, 400, 401, 402, 403, 404, 405, 408, 409, 410, 411, 412, 413, 414, and 415;

Sections 2, 5, 6, and 7, Act of March 2, 1907 (34 Stat. 1228, 1229), as amended by section 2, Act of May 24, 1934 (48 Stat. 797; U. S. C., title 8, secs. 8, 16, and 17);

Sections 74 to 81, inclusive, Act of March 4, 1909 (35 Stat. 1102-1103; U. S. C., title 18, secs. 135 and 137 to 143, inclusive);

That portion of section 1, Act of August 22, 1912 (37 Stat. 356; U. S. C., title 8, sec. 11), reading as follows:

"SEC. 1998. That every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forfeitures of section nineteen hundred and ninety-six of the Revised Statutes of the United States: *Provided*, That the provisions of this section and said section nineteen hundred and ninety-six shall not apply to any person hereafter deserting the military or naval services of the United States in time of peace: * * *";

8 U. S. C., Supp. V.
§§ 106a, 357, 379-382,
388, 399b.

So much of section 1, Act of October 6, 1917, chapter 79 (40 Stat. 376; U. S. C., title 39, sec. 324), as reads as follows: "*Provided further*, That all mail matter, of whatever class, relating to naturalization, including duplicate papers required by law or regulation to be sent to the Bureau of Naturalization by clerks of State or Federal courts, addressed to the Department of Justice, or the Bureau of Naturalization, or to any official thereof, and indorsed 'Official Business', shall be transmitted free of postage, and by registered mail if necessary, and so marked: *Provided further*, That if any person shall make use of such indorsement to avoid payment of postage or registry fee on his or her private letter, package, or other matter in the mail, the person so offending shall be guilty of a misdemeanor and subject to a fine of \$300, to be prosecuted in any court of competent jurisdiction.";

Section 1, last proviso of section 2, and second paragraph of section 3, Act of May 9, 1918 (40 Stat. 542-546, 547, 548), as amended by section 6 (c), (d), Act of March 2, 1929 (45 Stat. 1514); Act of June 21, 1930 (46 Stat. 791); and sections 2 (a), 3, and 10, Act of May 25, 1932 (47 Stat. 165-166; U. S. C., title 8, secs. 18, 354, 377, 378, 384, 387, 388, 389, 391, 392, 393, 394, 395, 403, and 405);

8 U. S. C., Supp. V,
§ 388.

Proviso to second paragraph of section 4, chapter XII, Act of July 9, 1918, chapter 143 (40 Stat. 885; U. S. C., title 8, sec. 366);

Second proviso to section 1, Act of August 31, 1918, chapter 166 (40 Stat. 955);

Act of November 6, 1919, chapter 95 (41 Stat. 350; U. S. C., title 8, sec. 3);

Sections 1, 2, 3, and 4, Act of September 22, 1922 (42 Stat. 1021-1022); as amended by sections 1 and 2, Act of July 3, 1930 (46 Stat. 854); section 4, Act of March 3, 1931 (46 Stat. 1511-1512); and section 4, Act of May 24, 1934 (48 Stat. 797; U. S. C., title 8, secs. 367, 368, 368a, 369, and 369a);

8 U. S. C., Supp. V,
§ 368.

Act of June 8, 1926 (44 Stat. 709; U. S. C., title 8, sec. 399a);

Section 4, Act of February 25, 1927 (44 Stat. 1235; U. S. C., title 8, sec. 358a);

Act of March 2, 1929, chapter 536 (45 Stat. 1512-1516) (except sec. 6 (e), and sec. 7 (b)); as amended or added to by sections 4, 5, and 6, Act of May 25, 1932 (47 Stat. 165-166); and sections 1, 2, 3, 4, and 6, Act of April 19, 1934 (48 Stat. 597-598; U. S. C., title 8, secs. 106a, 106b, 106c, 356, 377b, 377c, 379, 380a, 380b, 382, 388, 399b (a), 399b (b), 399b (c), 399b (d), 399c (a), 399c (b), 399c (c), 399d, 399e, and 402);

8 U. S. C., Supp. V,
§§ 106a, 379, 382, 388,
399b.

Section 1, Act of March 4, 1929 (45 Stat. 1545; U. S. C., title 8, sec. 373);

8 U. S. C., Supp. V,
§ 373.

Act of June 21, 1930 (46 Stat. 791; U. S. C., title 8, sec. 18);

Section 2, Act of July 3, 1930 (46 Stat. 854; U. S. C., title 8, sec. 369);

Act of February 11, 1931 (46 Stat. 1087; U. S. C., title 8, sec. 366a);

Act of March 3, 1931 (46 Stat. 1511-1512) (except section 4 (b), thereof) (U. S. C., title 8, secs. 9, 372a, 396, and 397);

Sections 2, 3, 4, 6, 8, 9, and 10, Act of May 25, 1932 (47 Stat. 165-166); as amended by section 2, Act of April 19, 1934 (48 Stat. 597; U. S. C., title 8, secs. 356 (a), 377, 377b, 384, 388, 399b (b), and 399b (c));

8 U. S. C., Supp. V,
§ 388.

Act of April 19, 1934 (48 Stat. 597-598; U. S. C., title 8, secs. 106a (b), 380a, 399b (a), 399b (b), 399b (c), 399c (a), 399f, and 402);

8 U. S. C., Supp. V,
§§ 106a, 399b.

Sections 1, 2, 3, and 4, Act of May 24, 1934 (48 Stat. 797; U. S. C., title 8, secs. 6, 8, 17a, and 368); and

8 U. S. C., Supp. V,
§ 368.

Second proviso to Act of June 27, 1934 (48 Stat. 1245, ch. 845; U. S. C., title 48, sec. 733b);

8 U. S. C., Supp. V,
§§ 392b-392d.
8 U. S. C., Supp. V,
§§ 392e-392g.
8 U. S. C., Supp. V,
§§ 392-392a.
8 U. S. C., Supp. V,
§ 9a.
8 U. S. C., Supp. V,
§ 388.
8 U. S. C., Supp. V,
§§ 5d, 5e.
8 U. S. C., Supp. V,
§ 5a-1.
8 U. S. C., Supp. V,
§ 382.
8 U. S. C., Supp. V,
§§ 373, 379, 381.
8 U. S. C., Supp. V,
§§ 382b, 382c.
Prior nationality
status.

Act of June 24, 1935, chapter 288 (49 Stat. 395);
Act of June 24, 1935, chapter 290 (49 Stat. 397);
Act of June 25, 1936, chapter 811 (49 Stat. 1925-1926);
Act of June 25, 1936, chapter 801 (49 Stat. 1917);
Section 3, Act of July 30, 1937 (50 Stat. 548);
Act of August 4, 1937, chapter 563 (50 Stat. 558);
Act of May 16, 1938, chapter 225 (52 Stat. 377);
Joint resolution of June 29, 1938 (52 Stat. 1247);
Act of June 20, 1939, chapter 224 (53 Stat. 843-844);
Act of August 9, 1939, chapter 610 (53 Stat. 1273);
And any other Acts or parts of Acts in conflict with the provisions of
this Act, except for the purposes of section 346 of this Act.

The repeal herein provided shall not terminate nationality heretofore
lawfully acquired, nor restore nationality heretofore lost under any law
of the United States or any treaty to which the United States may have
been a party.

Separability clause.

SEC. 505. If any provision of this Act shall for any reason be declared
by any court of competent jurisdiction to be invalid, such declaration
shall not invalidate the remainder of this Act.

TITLE II

Effective date.

SEC. 601. This Act shall take effect from and after ninety days from
the date of its approval.

Approved, October 14, 1940.

[CHAPTER 877]

AN ACT

To amend the Act of June 23, 1938 (52 Stat. 944).

October 14, 1940
[H. R. 10286]
[Public, No. 854]

Navy.
Promotion, etc., of
officers.

34 U. S. C., Supp.
V, § 292 (a).
Selection boards.
Appointment, meet-
ings, composition, etc.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,* That the Act of
June 23, 1938 (52 Stat. 944), is hereby amended as follows:

Section 5, strike out subsection (a) and substitute the following:

"(a) The board for the recommendation of line officers for promo-
tion to the grades of rear admiral and captain shall consist of nine
rear admirals on the active list of the line of the Navy, not restricted
by law to the performance of shore duty only. The board for the
recommendation of line officers for promotion to the grade of com-
mander shall consist of three rear admirals and six captains on the
active list of the line of the Navy, not restricted by law to the
performance of shore duty only. These boards shall be appointed
by the Secretary of the Navy and convened at least once each year
and at such times as the Secretary of the Navy may direct."

Section 7, in subsections (a) and (b), strike out "or who is not
physically qualified".

Section 8, in subsection (a), strike out "other than medical".

Section 9, strike out subsection (f) and substitute the following:

"(f) All reports or recommendations of a line selection board
under any provision of law shall require the concurrence of at least
two-thirds of the members."

Section 11, in subsection (b), at the end of the second proviso insert
"with retired pay computed as provided in section 12 (b) of this
Act".

Section 12, subsection (f), in line 5 change "from" to "to", and
in line 6, after "promoted", insert "computed as provided in subsec-
tion (b) of this section".

34 U. S. C., Supp.
V, §§ 295, 313.

34 U. S. C., Supp.
V, § 294 (a).

34 U. S. C., Supp.
V, § 297 (e).
Recommendations of
line selection board.

34 U. S. C., Supp.
V, § 300 (b).

34 U. S. C., Supp.
V, § 404 (f).

Section 12, strike out subsection (k) and substitute the following: "(k) Lieutenant commanders and lieutenants with date of rank as such prior to June 23, 1938, and lieutenants (junior grade) who on that date were carried as additional numbers in grade by reason of not having been recommended for promotion, shall, at their own request, in lieu of honorable discharge as provided in subsection (c) of this section, be retired on June 30 of the fiscal year in which they fail of selection as best fitted the second time or on June 30 of the fiscal year in which they complete the period of service designated in the Act of March 3, 1931, as amended (U. S. C., title 34, Supp. III, secs. 286a and 286i), whichever date shall be later with retired pay computed as provided in subsection (b) of this section: *Provided*, That any officer retained on the active list pursuant to this subsection shall be ineligible for consideration for promotion by subsequent selection boards: *Provided further*, That lieutenants who served in the Navy or Naval Reserve Force prior to November 12, 1918, and who shall have completed not less than twenty-one years of service, and who subsequent to June 23, 1938, have been or shall hereafter be retired under any provision of law, shall be advanced to the grade of lieutenant commander on the retired list effective from date of retirement with the retired pay of that grade."

Section 14, in line 9 of subsection (a), after "grade" insert "with probationary appointments".

Approved, October 14, 1940.

34 U. S. C., Supp. V, § 404 (k).
Retirement of designated officers.

46 Stat. 1483.

Provisos.
Ineligibility for promotion.

Advancement of lieutenants with specified service.

34 U. S. C., Supp. V, § 405.

[CHAPTER 878]

AN ACT

To empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties.

October 14, 1940
[S. 2627]

[Public, No. 855]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That special agents and such other employees of the Division of Investigations, Department of the Interior of the United States, as are designated by the Secretary of the Interior for that purpose, are authorized and empowered to administer to or take from any person an oath, affirmation, affidavit, or deposition whenever necessary in the performance of their official duties. Any such oath, affirmation, affidavit, or deposition administered or taken by or before a special agent or such other employee of the Division of Investigations, Department of the Interior, designated by the Secretary of the Interior, when certified under his hand, shall have like force and effect as if administered or taken before an officer having a seal.

Division of Investigations, Department of Interior.
Special agents empowered to administer oaths, etc.

Validity.

Approved, October 14, 1940.

[CHAPTER 879]

AN ACT

Authorizing special arrangements in the transportation of mail within the Territory of Alaska.

October 14, 1940
[H. R. 9851]

[Public, No. 856]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever required by the Postmaster General, any air carrier authorized by the Civil Aeronautics Authority under title IV of the Civil Aeronautics Act of 1938 to engage in the transportation of mail in the Territory of Alaska shall, within the limits of such authorization, transport, in

Alaska.
Transportation of mail by aircraft.

52 Stat. 987-1005.
40 U. S. C., Supp. V, §§ 481-496.

39 U. S. C. § 463;
Supp. V, § 463.

Payment to carrier;
rates.

Special arrange-
ments in certain cases.

Contracts.

52 Stat. 990, 1005.
49 U. S. C., Supp.
V, §§ 481 (i), 496.

Cancellation.

Rates of postage.

Funds for payment
of services.

addition to mail on which postage shall have been paid at the rate provided by the Act of June 12, 1934 (48 Stat. 933), as amended, any other classes of mail bearing the appropriate postage for its respective class, and the Postmaster General is authorized to require such transportation. The rates of compensation to be paid such carrier for the transportation of all mail shall be fixed by the Civil Aeronautics Authority in accordance with the provisions of the Civil Aeronautics Act of 1938, approved June 23, 1938 (52 Stat. 973). When in the opinion of the Postmaster General the needs of the Postal Service require the transportation of mail by aircraft in the Territory of Alaska, where no transportation of mail by aircraft has been authorized by the Civil Aeronautics Authority under title IV of the Civil Aeronautics Act of 1938, the Postmaster General, notwithstanding any other provision of law, is authorized to contract for the carriage of all classes of mail bearing the appropriate postage for its respective class by aircraft after advertisement in accordance with law. The transportation of mail under contracts entered into under this Act shall not, except for sections 401 (l) and 416 (b) of the Civil Aeronautics Act of 1938, be deemed to be "air transportation" as that term is defined in the Civil Aeronautics Act of 1938, and the rates of compensation for such transportation of mail shall not be fixed under that Act. The Postmaster General shall transmit a copy of each contract made pursuant to this Act to the Civil Aeronautics Authority at the time it is let. Any such contract shall be canceled upon the issuance by the Civil Aeronautics Authority of an authorization under said title IV of the Civil Aeronautics Act of 1938 to any air carrier to engage in the transportation of mail by aircraft between any of the points named in such contract. That the Postmaster General in his discretion, may fix the postage for the mails carried, or any part thereof, by aircraft to, from, or within Alaska, at rates not exceeding in any case 30 cents per ounce or 15 cents per half ounce, notwithstanding any other provision of law.

Sec. 2. Payment for services pursuant to contracts entered into by the Postmaster General under authority of this Act shall be made from the appropriation for star route service in Alaska.

Approved, October 14, 1940.

[CHAPTER 884]

AN ACT

October 15, 1940

[S. 3612]

[Public, No. 857]

To authorize the Secretary of War to accept, as loans, from States and political subdivisions thereof, funds to be immediately used in the prosecution of authorized flood-control work, and for other purposes.

Flood-control proj-
ects.
Acceptance of State
funds for.

Repayment.

Proviso.
Restriction on re-
payment.

50 Stat. 518.
33 U. S. C., Supp. V,
§ 701h.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any State or political subdivision thereof shall offer to advance funds for a flood-control project duly adopted and authorized by law the Secretary of War may in his discretion, receive such funds and expend the same in the immediate prosecution of such work. The Secretary of War is authorized and directed to repay without interest, from appropriations which may be provided by Congress for flood-control work, the moneys so contributed and expended: *Provided, however,* That no repayment of funds which may be contributed for the purpose of meeting any conditions of local cooperation imposed by Congress, or under the authority of section 5 of the Flood Control Act approved June 22, 1936, as amended, shall be made.

Approved, October 15, 1940.

[CHAPTER 885]

AN ACT

To increase the authorized numbers of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes.

October 15, 1940
[S. 4275]
[Public, No. 858]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the authorized personnel of the Army Mine Planter Service shall comprise, for each Army mine planter in service or under construction, one master, one first mate, one second mate, one chief engineer, one assistant engineer, and one second assistant engineer, who shall be warrant officers appointed by and holding their offices at the discretion of the Secretary of War, and such enlisted men of the Coast Artillery Corps as the Secretary of War shall prescribe from time to time: *Provided*, That the maximum authorized numbers of warrant officers and enlisted men of the Coast Artillery Corps are hereby increased by the numbers of additional warrant officers and enlisted men authorized by this section: *Provided further*, That when the number of Army mine planters in service and under construction exceeds fourteen, the Secretary of War may, in his discretion, and to such extent as he may deem proper, make temporary appointments of the additional warrant officers required for the additional mine planters: *Provided further*, That members of the Army Mine Planter Service appointed as temporary warrant officers shall, while serving as such, have the rank, pay, allowances, and retirement privileges of the grade and ratings to which they are temporarily appointed, and upon termination of their temporary appointments as warrant officers shall revert to the grades from which they were appointed, without loss of seniority, credit for continuous service, or any other right or privilege, by reason of their service as temporary warrant officers: *And provided further*, That the relative rank, pay, and allowances of warrant officers of the Army Mine Planter Service shall be as now prescribed by law, and warrant officer second assistant engineers shall receive pay and allowances, and be entitled to other privileges as now prescribed by law for warrant officer second mates, and while aboard their vessels shall take rank immediately below warrant officer second mates.

Army Mine Planter Service.
Increase in personnel authorized.

Provided.
Coast Artillery Corps, increase.

Temporary appointments.

Rank, etc., while serving.

Reversion to former grade upon termination of temporary appointment.

Relative rank, pay, and allowances of warrant officers.

Warrant officer second assistant engineers.

Approved, October 15, 1940.

[CHAPTER 886]

AN ACT

To provide for the completion of certain local protection works at East Hartford, Connecticut.

October 15, 1940
[S. 4362]
[Public, No. 859]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the comprehensive plan for flood control in the Connecticut River Basin provided for in the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938, is hereby modified to include the local protection works at East Hartford, Connecticut, recommended by the Chief of Engineers in House Document Numbered 653, Seventy-sixth Congress, third session; and there is hereby authorized to be appropriated for the completion of the said works the sum of \$1,640,000.

East Hartford, Conn.
Flood-control plan modified.

52 Stat. 1216.
33 U. S. C., Supp. V,
§ 701f (note).

Appropriation authorized.

Approved, October 15, 1940.

[CHAPTER 887]

AN ACT

October 15, 1940
[H. R. 9654]
[Public, No. 860]

To extend, for an additional year, the provisions of the Sugar Act of 1937 and the taxes with respect to sugar.

Sugar Act of 1937,
amendment.
50 Stat. 916.
7 U. S. C., Supp. V,
§ 1183 (note).

Termination of
powers of Secretary;
exception.
50 Stat. 909-912.
7 U. S. C., Supp. V,
§§ 1131-1137.
53 Stat. 429.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 513 of the Sugar Act of 1937 (relating to termination of powers of the Secretary of Agriculture under the Sugar Act) is amended to read as follows:

"SEC. 513. The powers vested in the Secretary under this Act shall terminate on December 31, 1941, except that the Secretary shall have power to make payments under title III under programs applicable to the crop year 1941 and previous crop years."

SEC. 2. Section 3508 of the Internal Revenue Code (relating to termination of taxes under the Sugar Act) is amended to read as follows:

"SEC. 3508. TERMINATION OF TAXES.

"No tax shall be imposed under this chapter on the manufacture, use, or importation of sugar after June 30, 1942."

No tax to be im-
posed after June 30,
1942.

50 Stat. 915.
48 U. S. C., Supp. V,
§ 1007a.
Philippine Islands,
payments.

SEC. 3. Section 503 of the Sugar Act of 1937 (relating to payments to the Commonwealth of the Philippine Islands) is amended by striking out "June 30, 1941" and inserting in lieu thereof "June 30, 1942".

50 Stat. 908.
7 U. S. C., Supp. V,
§ 1117 (b).
Direct-consumption
quota for Puerto Rico.

SEC. 4. Subsection (b) of section 207 of the Sugar Act of 1937 (relating to direct-consumption sugar from Puerto Rico) is amended by adding at the end thereof the following new sentence: "This subsection is hereby extended so that not more than one hundred and twenty-six thousand and thirty-three short tons, raw value, of the quota for Puerto Rico for any calendar year may be filled by direct-consumption sugar: *Provided, however,* That the amount of said quota which may be filled by direct-consumption sugar for the calendar year 1940 shall not be less than the quantity of direct-consumption sugar from Puerto Rico actually brought into the continental United States, for consumption therein, after December 31, 1939, and up to and including the date of the enactment of this amendatory sentence."

Proviso.
Amount for calen-
dar year 1940.

50 Stat. 907.
7 U. S. C., Supp. V,
§ 1117 (a).
Direct-consumption
quota for Hawaii.

SEC. 5. Subsection (a) of section 207 of the Sugar Act of 1937 (relating to direct-consumption sugar from Hawaii) is amended by adding at the end thereof the following new sentence: "This subsection is hereby extended so that not more than twenty-nine thousand six hundred and sixteen short tons, raw value, of the quota for Hawaii for any calendar year may be filled by direct-consumption sugar: *Provided, however,* That the amount of said quota which may be filled by direct-consumption sugar for the calendar year 1940 shall not be less than the quantity of direct-consumption sugar from Hawaii actually brought into the continental United States, for consumption therein, after December 31, 1939, and up to and including the date of the enactment of this amendatory sentence."

Proviso.
Amount for calen-
dar year 1940.

Approved, October 15, 1940.

[CHAPTER 888]

AN ACT

October 17, 1940
[S. 4270]
[Public, No. 861]

To promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard.

Soldiers' and Sail-
ors' Civil Relief Act
of 1940.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Soldiers' and Sailors' Civil Relief Act of 1940.

ARTICLE I—GENERAL PROVISIONS

SEC. 100. In order to provide for, strengthen, and expedite the national defense under the emergent conditions which are threatening the peace and security of the United States and to enable the United States the more successfully to fulfill the requirements of the national defense, provision is hereby made to suspend enforcement of civil liabilities, in certain cases, of persons in the military service of the United States in order to enable such persons to devote their entire energy to the defense needs of the Nation, and to this end the following provisions are made for the temporary suspension of legal proceedings and transactions which may prejudice the civil rights of persons in such service during the period herein specified over which this Act remains in force.

General provisions.

SEC. 101. (1) The term "persons in military service" and the term "persons in the military service of the United States", as used in this Act, shall include the following persons and no others: All members of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy. The term "military service", as used in this Act, shall signify Federal service on active duty with any branch of service heretofore referred to or mentioned as well as training or education under the supervision of the United States preliminary to induction into the military service. The terms "active service" or "active duty" shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

Definition of terms.
"Persons in military service."
"Persons in the military service of the United States."

"Military service."

"Active service" or
"active duty."

(2) The term "period of military service", as used in this Act, shall include the time between the following dates: For persons in active service at the date of the approval of this Act it shall begin with the date of approval of this Act; for persons entering active service after the date of this Act, with the date of entering active service. It shall terminate with the date of discharge from active service or death while in active service, but in no case later than the date when this Act ceases to be in force.

"Period of military service."

(3) The term "person", when used in this Act with reference to the holder of any right alleged to exist against a person in military service or against a person secondarily liable under such right, shall include individuals, partnerships, corporations, and any other forms of business association.

"Person."

(4) The term "court", as used in this Act, shall include any court of competent jurisdiction of the United States or of any State, whether or not a court of record.

"Court."

SEC. 102. (1) The provisions of this Act shall apply to the United States, the several States and Territories, the District of Columbia, and all territory subject to the jurisdiction of the United States, including the Philippine Islands while under the sovereignty of the United States, and to proceedings commenced in any court therein, and shall be enforced through the usual forms of procedure obtaining in such courts or under such regulations as may be by them prescribed.

Applicability of Act.

(2) When under this Act any application is required to be made to a court in which no proceeding has already been commenced with respect to the matter, such application may be made to any court.

Enforcement.

Court jurisdiction.

SEC. 103. (1) Whenever pursuant to any of the provisions of this Act the enforcement of any obligation or liability, the prosecution of any suit or proceeding, the entry or enforcement of any order, writ, judgment, or decree, or the performance of any other act, may be stayed, postponed, or suspended, such stay, postponement, or suspension may, in the discretion of the court, likewise be granted to sureties,

Stay, etc., to persons secondarily liable.

guarantors, endorsers, and others subject to the obligation or liability, the performance or enforcement of which is stayed, postponed, or suspended.

Vacating of judgment, etc., as to sureties, etc.

(2) When a judgment or decree is vacated or set aside in whole or in part, as provided in this Act, the same may, in the discretion of the court, likewise be set aside and vacated as to any surety, guarantor, endorser, or other person liable upon the contract or liability for the enforcement of which the judgment or decree was entered.

ARTICLE II—GENERAL RELIEF

Protection against judgment in default, etc.

Affidavit as to status of defendant required.

Bond to indemnify defendant in military service.

Other relief.

Penalty for false affidavit.

Attorney to represent person in service if not present, etc.

Judgment against person in service. Reopening after termination, if prejudiced thereby.

Condition.

Right or title of bona fide purchaser.

SEC. 200. (1) In any action or proceeding commenced in any court, if there shall be a default of any appearance by the defendant, the plaintiff, before entering judgment shall file in the court an affidavit setting forth facts showing that the defendant is not in military service. If unable to file such affidavit plaintiff shall in lieu thereof file an affidavit setting forth either that the defendant is in the military service or that plaintiff is not able to determine whether or not defendant is in such service. If an affidavit is not filed showing that the defendant is not in the military service, no judgment shall be entered without first securing an order of court directing such entry, and no such order shall be made if the defendant is in such service until after the court shall have appointed an attorney to represent defendant and protect his interest, and the court shall on application make such appointment. Unless it appears that the defendant is not in such service the court may require, as a condition before judgment is entered, that the plaintiff file a bond approved by the court conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any judgment should the judgment be thereafter set aside in whole or in part. And the court may make such other and further order or enter such judgment as in its opinion may be necessary to protect the rights of the defendant under this Act.

(2) Any person who shall make or use an affidavit required under this section, knowing it to be false, shall be guilty of a misdemeanor and shall be punishable by imprisonment not to exceed one year or by fine not to exceed \$1,000, or both.

(3) In any action or proceeding in which a person in military service is a party if such party does not personally appear therein or is not represented by an authorized attorney, the court may appoint an attorney to represent him; and in such case a like bond may be required and an order made to protect the rights of such person. But no attorney appointed under this Act to protect a person in military service shall have power to waive any right of the person for whom he is appointed or bind him by his acts.

(4) If any judgment shall be rendered in any action or proceeding governed by this section against any person in military service during the period of such service or within thirty days thereafter, and it appears that such person was prejudiced by reason of his military service in making his defense thereto, such judgment may, upon application, made by such person or his legal representative, not later than ninety days after the termination of such service, be opened by the court rendering the same and such defendant or his legal representative let in to defend; provided it is made to appear that the defendant has a meritorious or legal defense to the action or some part thereof. Vacating, setting aside, or reversing any judgment because of any of the provisions of this Act shall not impair any right or title acquired by any bona fide purchaser for value under such judgment.

SEC. 201. At any stage thereof any action or proceeding in any court in which a person in military service is involved, either as plaintiff or defendant, during the period of such service or within sixty days thereafter may, in the discretion of the court in which it is pending, on its own motion, and shall, on application to it by such person or some person on his behalf, be stayed as provided in this Act, unless, in the opinion of the court, the ability of plaintiff to prosecute the action or the defendant to conduct his defense is not materially affected by reason of his military service.

Stay of proceeding;
exception.

SEC. 202. When an action for compliance with the terms of any contract is stayed pursuant to this Act no fine or penalty shall accrue by reason of failure to comply with the terms of such contract during the period of such stay, and in any case where a person fails to perform any obligation and a fine or penalty for such nonperformance is incurred a court may, on such terms as may be just, relieve against the enforcement of such fine or penalty if it shall appear that the person who would suffer by such fine or penalty was in the military service when the penalty was incurred and that by reason of such service the ability of such person to pay or perform was thereby materially impaired.

Relief against fines
or penalties on con-
tracts, etc., while in
service.

SEC. 203. In any action or proceeding commenced in any court against a person in military service, before or during the period of such service, or within sixty days thereafter, the court may, in its discretion, on its own motion, or on application to it by such person or some person on his behalf shall, unless in the opinion of the court the ability of the defendant to comply with the judgment or order entered or sought is not materially affected by reason of his military service—

Actions against per-
sons in service.
Authority of court.

(a) Stay the execution of any judgment or order entered against such person, as provided in this Act; and

Stay execution of
judgment.

(b) Vacate or stay any attachment or garnishment of property, money, or debts in the hands of another, whether before or after judgment as provided in this Act.

Vacate attachment,
etc.

SEC. 204. Any stay of any action, proceeding, attachment, or execution, ordered by any court under the provisions of this Act may, except as otherwise provided, be ordered for the period of military service and three months thereafter or any part of such period, and subject to such terms as may be just, whether as to payment in installments of such amounts and at such times as the court may fix or otherwise. Where the person in military service is a codefendant with others the plaintiff may nevertheless by leave of court proceed against the others.

Continuance of
stay, etc.

Codefendants.

SEC. 205. The period of military service shall not be included in computing any period now or hereafter to be limited by any law for the bringing of any action by or against any person in military service or by or against his heirs, executors, administrators, or assigns, whether such cause of action shall have accrued prior to or during the period of such service.

Statute of limita-
tions.
Military service not
included in period.

ARTICLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES

SEC. 300. (1) No eviction or distress shall be made during the period of military service in respect of any premises for which the agreed rent does not exceed \$80 per month, occupied chiefly for dwelling purposes by the wife, children, or other dependents of a person in military service, except upon leave of court granted upon application therefor or granted in an action or proceeding affecting the right of possession.

Evictions re-
strained.

(2) On any such application or in any such action the court may, in its discretion, on its own motion, and shall, on application, unless in

Stay of proceedings,
etc.

the opinion of the court the ability of the tenant to pay the agreed rent is not materially affected by reason of such military service, stay the proceedings for not longer than three months, as provided in this Act, or it may make such other order as may be just.

Punishment for unlawful eviction.

(3) Any person who shall knowingly take part in any eviction or distress otherwise than as provided in subsection (1) hereof shall be guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed one year or by fine not to exceed \$1,000, or both.

Allotments of pay for rent.

(4) The Secretary of War, the Secretary of the Navy, or the Secretary of the Treasury with respect to the Coast Guard, as the case may be, is hereby empowered, subject to such regulations as he may prescribe, to order an allotment of the pay of a person in military service in reasonable proportion to discharge the rent of premises occupied for dwelling purposes by the wife, children, or other dependents of such person.

Installment purchases.
Restriction on rescinding certain contracts.

SEC. 301. (1) No person who prior to the date of approval of this Act has received, or whose assignor has received, under a contract for the purchase of real or personal property, or of lease or bailment with a view to purchase of such property, a deposit or installment of the purchase price from a person or from the assignor of a person who, after the date of payment of such deposit or installment, has entered military service, shall exercise any right or option under such contract to rescind or terminate the contract or resume possession of the property for nonpayment of any installment falling due during the period of such military service, except by action in a court of competent jurisdiction: *Provided*, That nothing contained in this section shall prevent the modification, termination, or cancellation of any such contract, or prevent the repossession or retention of property purchased or received under such contract, pursuant to a mutual agreement of the parties thereto, or their assignees, if such agreement is executed in writing subsequent to the making of such contract and during or after the period of military service of the person concerned.

Proviso.
Modification, etc., of contracts by mutual consent.

Retaking property except under court action; penalty.

(2) Any person who shall knowingly resume possession of property which is the subject of this section otherwise than as provided in subsection (1) hereof shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed \$1,000, or both.

Judicial proceedings for terminating contract, etc.

(3) Upon the hearing of such action the court may order the repayment of prior installments or deposits or any part thereof, as a condition of terminating the contract and resuming possession of the property, or may, in its discretion, on its own motion, and shall, except as provided in section 303, on application to it by such person in military service or some person on his behalf, order a stay of proceedings as provided in this Act unless, in the opinion of the court, the ability of the defendant to comply with the terms of the contract is not materially affected by reason of such service; or it may make such other disposition of the case as may be equitable to conserve the interests of all parties.

Prior obligations secured by mortgage, etc.

SEC. 302. (1) The provisions of this section shall apply only to obligations originating prior to the date of approval of this Act and secured by mortgage, trust deed, or other security in the nature of a mortgage upon real or personal property owned by a person in military service at the commencement of the period of the military service and still so owned by him.

Action of court in cases of nonpayment, etc.

(2) In any proceeding commenced in any court during the period of military service to enforce such obligation arising out of nonpayment of any sum thereunder due or out of any other breach of the terms thereof occurring prior to or during the period of such service the court may, after hearing, in its discretion, on its own motion, and shall, except as provided in section 303, on application to it by such person in military service or some person on his behalf, unless in the

opinion of the court the ability of the defendant to comply with the terms of the obligation is not materially affected by reason of his military service—

(a) stay the proceedings as provided in this Act; or

(b) make such other disposition of the case as may be equitable to conserve the interests of all parties.

(3) No sale under a power of sale or under a judgment entered upon warrant of attorney to confess judgment contained in any such obligation shall be valid if made during the period of military service or within three months thereafter, unless upon an order of sale previously granted by the court and a return thereto made and approved by the court.

Sale under warrant to confess judgment, etc., restricted.

SEC. 303. No court shall stay a proceeding to resume possession of a motor vehicle, tractor, or the accessories of either, or for an order of sale thereof, where said motor vehicle, tractor, or accessories are encumbered by a purchase money mortgage, conditional sales contract, or a lease or bailment with a view to purchase, unless the court shall find that 50 per centum or more of the purchase price of said property has been paid, but in any such proceeding the court may, before entering an order or judgment, require the plaintiff to file a bond, approved by the court, conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any such judgment or order should the judgment or order be set aside in whole or in part.

Resumption of possession of motor vehicle, etc.

Stay of proceedings, restriction.

Exception.

Indemnity bond.

ARTICLE IV—INSURANCE

SEC. 400. In this article the term "policy" shall include any contract of life insurance on the level premium or legal reserve plan. It shall also include any benefit in the nature of life insurance arising out of membership in any fraternal or beneficial association; the term "premium" shall include membership dues or assessments in such association, and the date of issuance of policy as herein limited shall refer to the date of admission to membership in such association; the term "insured" shall include any person who is the holder of a policy as defined in this article; the term "insurer" shall include any corporation, partnership, or other form of association which secures or provides insurance under any policy as defined in this article.

"Policy" defined.

"Premium."

"Insured."

"Insurer."

SEC. 401. (1) The benefits of this article shall apply to any person in military service who is the holder of a policy of life insurance, when such holder shall apply for such benefits on a form prepared in accordance with regulations which shall be prescribed by the Administrator of Veterans' Affairs. Such form shall set forth particularly that the application therein made is a consent to such modification of the terms of the original contract of insurance as are made necessary by the provisions of this article and by receiving and filing the same the insurer shall be deemed to have assented thereto, to the extent, if any, to which the policy on which the application is made is within the provisions of this article. The original of such application shall be sent by the insured to the insurer, and a copy thereof to the Veterans' Administration.

Persons in service entitled to benefits hereof.

Application forms.

(2) The Veterans' Administration shall issue through suitable military and naval channels a notice for distribution by appropriate military and naval authorities to persons in the military service explaining the provisions of this article and shall furnish forms to be distributed to those desiring to make application for its benefits.

Issue of forms, etc.

SEC. 402. The benefits of this Act shall be available to any person in military service in respect of contracts of insurance in force under their terms up to but not exceeding a face value of \$5,000, irrespective of the number of policies held by such person whether in one or more

Maximum amount of benefits allowed.

Restriction as to unpaid premiums.	companies, when such contracts were made and a premium was paid thereon before the date of approval of this Act or not less than thirty days before entry into the military service; but in no event shall the provisions of this article apply to any policy on which premiums are due and unpaid for a period of more than one year at the time when application for the benefits of this article is made or in respect of any policy on which there is outstanding a policy loan or other indebtedness equal to or greater than 50 per centum of the cash surrender value of the policy.
Outstanding loans.	
Applicants for benefits to be listed.	SEC. 403. The Veterans' Administration shall, subject to regulations, which shall be prescribed by the Administrator of Veterans' Affairs, compile and maintain a list of such persons in military service as have made application for the benefits of this article, and shall (1) reject any application for such benefits made by persons who are not persons in military service; (2) reject any applications for such benefits in excess of the amount permitted by section 402; and (3) reject any applications in respect of contracts of insurance otherwise not entitled to the benefits of this article. Said Administration shall immediately notify the insurer and the insured in writing of every rejection or approval.
Notice of rejection or approval.	
Reduction of policies exceeding \$5,000, etc.	SEC. 404. When one or more applications are made under this article by any one person in military service in respect of insurance exceeding a total face value of \$5,000, whether on one or more policies or in one or more companies, and the insured shall not in his application indicate an order of preference, the Veterans' Administration shall reject such policies as have the inferior cash surrender value, so as to reduce the total benefits conferred within the face value of \$5,000, and where necessary for this purpose shall direct the insurer to divide any policy into two separate policies. The said Administration shall immediately notify the insurer and the insured in writing of such selection.
No lapses for nonpayment during service period.	SEC. 405. No policy which has not lapsed for the nonpayment of premium before the commencement of the period of military service of the insured, and which has been brought within the benefits of this article, shall lapse or be forfeited for the nonpayment of premium during the period of such service or during one year after the expiration of such period: <i>Provided</i> , That in no case shall this prohibition extend for more than one year after the date when this Act ceases to be in force.
Proviso, Limitation.	
Insurance corporations, etc. Monthly reports.	SEC. 406. Within the first fifteen days of each calendar month after the date of approval of this Act until the expiration of one year after the date when this Act ceases to be in force every insurance corporation or association to which application has been made as herein provided, for the benefits of this article, shall render to the Veterans' Administration a report, duly verified, setting forth the following facts:
Names of applicants; face value of policies.	First. The names of the persons who have applied for such benefits, and the face value of the policies in respect of which such benefits have been applied for by such persons, during the preceding calendar month.
Unpaid premiums.	Second. A list as far as practicable of the premiums in respect of policies entitled to the benefits of this article, which remain unpaid on the last day of the preceding calendar month, which day is at least thirty-one days after the due date of the premiums, provided such premiums have not previously been so reported as in default.
Defaulted premiums paid.	Third. A list of premiums which, having been previously reported as in default, have been paid by the policyholder or someone on his behalf in whole or in part during the preceding calendar month.
Computation of monthly difference.	Fourth. A computation of the difference between the total amount of defaulted premiums therein reported and the total amount of

premiums paid as therein reported, after having been previously reported as in default. From this sum shall be deducted the total sum of any premiums previously reported as in default, upon policies in respect of which the Veterans' Administration has, since the date of such report, rejected an application for the benefits of this article. The final sum so arrived at shall be denominated the monthly difference.

SEC. 407. The Administrator of Veterans' Affairs shall verify the computation of monthly difference reported by each insurer and shall, within ten days thereafter, deliver each month to the proper officer of such insurer, a certificate in the amount of the monthly difference certified in respect of each insurer. Such certificate shall be signed by said Administrator in the name of the United States, shall be in such form as the Administrator shall determine, shall be payable to the insurer within sixty days after the approval of the statement of account, as provided in section 411 hereof, and shall bear interest at a rate to be prescribed by the Secretary of the Treasury, payable with the principal. Such certificate shall not be transferred except with the approval of said Administrator and shall remain with the insurer until settlement is made in accordance with this article.

SEC. 408. The certificate so delivered shall be held by the respective insurers as security for the payment of the defaulted premiums with interest. To indemnify it against loss the United States shall have a first lien upon any policy receiving the benefits of this article, subject only to any lien existing at the time the policy became subject to this Act, and no loan or settlement or payment of dividend shall be made by the insurer on such policy which may prejudice the security of such lien. Before any dividend is paid or any loan or settlement is made the written consent of the Veterans' Administration must be obtained.

SEC. 409. In the event that the military service of any person being the holder of a policy receiving the benefits of this article shall be terminated by death, the amount of any unpaid premiums, with interest at the rate provided for in the policy for policy loans, shall be deducted from the proceeds of the policy and shall be included in the next monthly report of the insurer as premiums paid.

SEC. 410. If the insured does not within one year after the termination of his period of military service pay to the insurer all past due premiums with interest thereon from their several due dates at the rate provided in the policy for policy loans, the policy shall at the end of such year immediately lapse and become void, and the insurer shall thereupon become liable to pay the cash surrender value thereof, if any: *Provided*, That if the insured is in the military service when this Act ceases to be in force, such lapse shall occur and surrender value be payable at the expiration of one year after the date when this Act ceases to be in force.

SEC. 411. At the expiration of one year after the date when this Act ceases to be in force there shall be an account stated between each insurer and the United States, in which there shall be credited to the insurer the total amount of the certificates held as security under this article, together with accrued interest to the date of the account, and in which there shall be credited to the United States the amount of the cash surrender value of each policy lapsed or forfeited as provided in section 410, but not in any case a greater amount on any policy than the total of the unpaid premiums with interest thereon at the rate provided for in the policy for policy loans.

SEC. 412. The balance in favor of the insurer in each case shall be certified by the Administrator of Veterans' Affairs to the Secretary of the Treasury, who shall pay to the insurer the amount thereof, which is hereby authorized to be appropriated, out of any moneys in

Verification of computation.

Certificate of monthly difference in respect of each insurer.

Transfer restricted.

Use as security for unpaid premiums.

Lien on policy.

Deduction from proceeds of policy in case of death during service.

Lapse of policy.

Proviso.
If insured is in service when Act terminates.

Statement of account.

Credit to insurer.

Credit to United States.

Balance to be paid upon surrender of certificates.

the Treasury not otherwise appropriated, upon the surrender by the insurer of the certificates delivered to it from time to time by the Administrator of Veterans' Affairs under the provisions of this article.

Designated policies
not subject to benefits.

SEC. 413. This article shall not apply to any policy which is void or which may at the option of the insured be voidable, if the insured is in military service, either in this country or abroad, nor to any policy which as a result of being in military service, either in this country or abroad, provides for the payment of any sum less than the face thereof or for the payment of an additional amount as premium.

Companies within
application of article.

SEC. 414. This article shall apply only to insurance companies or associations which are required by the law under which they are organized or doing business to maintain a reserve, or, which if not so required, have made or shall make provision for the collection from all those insured in such insurer of a premium to cover the special war risk of those insured persons who are in military service.

ARTICLE V—TAXES AND PUBLIC LANDS

Real property of
persons in service.

SEC. 500. (1) The provisions of this section shall apply when any taxes or assessments, whether general or special, falling due during the period of military service in respect of real property owned and occupied for dwelling, agricultural, or business purposes by a person in military service or his dependents at the commencement of his period of military service and still so occupied by his dependents or employees are not paid.

Restriction on sale
for unpaid taxes.

(2) When any person in military service, or any person in his behalf, shall file with the collector of taxes, or other officer whose duty it is to enforce the collection of taxes or assessments, an affidavit showing (a) that a tax or assessment has been assessed upon property which is the subject of this section, (b) that such tax or assessment is unpaid, and (c) that by reason of such military service the ability of such person to pay such tax or assessment is materially affected, no sale of such property shall be made to enforce the collection of such tax or assessment, or any proceeding or action for such purpose commenced, except upon leave of court granted upon an application made therefor by such collector or other officer. The court thereupon may stay such proceedings or such sale, as provided in this Act, for a period extending not more than six months after the termination of the period of military service of such person.

Court action.

Redemption pro-
visions.

(3) When by law such property may be sold or forfeited to enforce the collection of such tax or assessment, such person in military service shall have the right to redeem or commence an action to redeem such property, at any time not later than six months after the termination of such service, but in no case later than six months after the date when this Act ceases to be in force; but this shall not be taken to shorten any period, now or hereafter provided by the laws of any State or Territory for such redemption.

Interest on unpaid
taxes.

(4) Whenever any tax or assessment shall not be paid when due, such tax or assessment due and unpaid shall bear interest until paid at the rate of 6 per centum per annum, and no other penalty or interest shall be incurred by reason of such nonpayment. Any lien for such unpaid taxes or assessment shall also include such interest thereon.

Notice of benefits
accorded.

(5) The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury shall make provision in such manner as each may deem appropriate for his respective department, to insure the giving of notice to persons in the military service under their respective jurisdictions, of the benefits accorded by this section and the action made necessary to claim those benefits in each case.

SEC. 501. (1) No right to any lands owned or controlled by the United States initiated or acquired under any laws of the United States, including the mining and mineral leasing laws, by any person prior to entering military service shall during the period of such service be forfeited or prejudiced by reason of his absence from the land or his failure to perform any work or make any improvements thereon or his failure to do any other act required by or under such laws.

(2) If a permittee or licensee under the Act of June 28, 1934 (48 Stat. 1269), enters military service, he may elect to suspend his permit or license for the period of his military service and six months thereafter, and the Secretary of the Interior by regulations shall provide for such suspension of permits and licenses and for the remission, reduction, or refund of grazing fees during such suspension.

(3) This section shall not be construed to control specific requirements contained in this article.

SEC. 502. If any person whose application for a homestead entry has been allowed or who has made application for homestead entry which may thereafter be allowed, after such entry or application enters military service, or if any person who has a valid settlement claim enters military service, the Department of the Interior shall construe his military service to be equivalent to residence and cultivation upon the tract entered or settled upon for the period of such service. From the effective date of this Act no contest shall be initiated on the ground of abandonment and no allegation of abandonment shall be sustained against any such person, unless it shall be alleged in the preliminary affidavit or affidavits of contest and proved at the hearing in cases initiated subsequent to the effective date of this Act that the alleged absence from the land was not due to such military service. If such person is discharged on account of wounds received or disability incurred in the line of duty, the term of his enlistment and any period of hospitalization due to such wounds or disability shall be deducted from the required length of residence, without reference to the time of actual service. No patent shall issue to any such person who has not resided upon, improved, and cultivated his homestead for a period of at least one year.

SEC. 503. (1) If any person whose application for a homestead entry has been allowed or who has made application for homestead entry which may thereafter be allowed or who has a valid settlement claim dies while in military service or as a result of such service, his widow, if unmarried, or in the case of her death or marriage, his minor children, or his or their legal representatives, may proceed forthwith to make final proof upon such entry or upon an application which is allowed after the applicant's death, or upon a homestead application thereafter allowed based on a valid settlement claim, and shall be entitled to receive a patent for such land. The death of such person while in military service or as a result of such service shall be construed to be equivalent to a performance of all requirements as to residence and cultivation upon such homestead or claim, notwithstanding the provisions of section 502 of this Act.

(2) If such person is honorably discharged and because of physical incapacities due to such service is unable to return to the land, he may make final proof without further residence, improvement, or cultivation, at such time and place as the Secretary of the Interior may authorize, and receive a patent to the land entered.

(3) The Act of July 28, 1917 (40 Stat. 248), is hereby repealed.

SEC. 504. (1) No desert-land entry made or held under the desert-land laws prior to the entrance of the entryman or his successor in interest into military service shall be subject to contest or cancellation

Public lands.
Protection of rights
during period of service.

43 U. S. C. ch. 8a;
Supp. V, ch. 8a.
Discretionary suspension of permit; refund of grazing fees.

Exemptions.

Service accepted for
homestead residence.

Credit allowed if
discharged for disability.

Residence before
issue of patent.

Death of applicant
for homestead while
in service, etc.

Rights of widow or
minor children.

Residence and cultivation requirements.

Proof of entry if discharged with service disability.

Repeal.
43 U. S. C. §§ 241-242, 272.
Desert-land entry.
Expenditure and reclamation requirements.

for failure to make or expend the sum of \$1 per acre per year in improvements upon the claim or to effect the reclamation of the claim during the period the entryman or his successor in interest is engaged in military service or during a period of six months thereafter or during any period of hospitalization because of wounds or disability incurred in the line of duty. The time within which such entryman or claimant is required to make such expenditures and effect reclamation of the land shall be exclusive of his period of service and the six-months' period and any such period of hospitalization.

Proof of entry if discharged with service disability.

(2) If such entryman or claimant is honorably discharged and because of physical incapacities due to such service is unable to accomplish reclamation of, and payment for, the land, he may make proof without further reclamation or payments under such rules as the Secretary of the Interior may prescribe and receive patent for the land entered or claimed.

Entryman required to file notice of entry into military service.

(3) In order to obtain the benefits of this section, such entryman or claimant shall, within six months after the effective date of this Act or within six months after his entrance into military service, file or cause to be filed in the land office of the district in which his claim is situated a notice that he has entered military service and that he desires to hold the desert claim under this section.

39 U. S. C. § 28. Mining labor regulations.

SEC. 505. (1) The provisions of section 2324 of the Revised Statutes of the United States, which require that on each mining claim located after May 10, 1872, and until patent has been issued therefor not less than \$100 worth of labor shall be performed or improvements made during each year, shall not apply during the period of his service, or until six months after the termination of such service, or during any period of hospitalization because of wounds or disability incurred in line of duty, to claims or interests in claims which are owned by a person in military service and which have been regularly located and recorded. No mining claim or any interest in a claim which is owned by such a person and which has been regularly located and recorded shall be subject to forfeiture by nonperformance of the annual assessments during the period of such military service, or until six months after the termination of such service or of such hospitalization.

No forfeiture by nonperformance of annual assessments.

Obtainment of benefits, requirements.

(2) In order to obtain the benefits of this section, the claimant of any mining location shall, before the expiration of the assessment year during which he enters military service, file or cause to be filed in the office where the location notice or certificate is recorded a notice that he has entered such service and that he desires to hold his mining claim under this section.

Permit or lease under Federal mineral leasing laws. Suspension of operations.

SEC. 506. (1) Any person holding a permit or lease on the public domain under the Federal mineral leasing laws who enters military service may, at his election, suspend all operations under his permit or lease for a period of time equivalent to the period of his military service and six months thereafter. The term of the permit or lease shall not run during such period of suspension nor shall any rentals or royalties be charged against the permit or lease during the period of suspension.

Obtainment of benefits, requirements.

(2) In order to obtain the benefit of this section, such permittee or lessee shall, within six months after the effective date of this Act or six months after his entrance into military service, notify the General Land Office by registered mail of his entrance into such service and of his desire to avail himself of the benefits of this section.

Construing of section.

(3) This section shall not be construed to supersede the terms of any contract for operation of a permit or lease.

Perfection, etc., of rights while in service.

SEC. 507. Nothing in this article shall be construed to limit or affect the right of a person in military service to take any action during his period of service which may be authorized by law or the

regulations of the Department of the Interior for the perfection, defense, or further assertion of rights initiated or acquired prior to the date of entering military service. It shall be lawful for any person while in such service to make any affidavit or submit any proof which may be required by law or the practice or regulations of the General Land Office in connection with the entry, perfection, defense, or further assertion of any rights initiated or acquired prior to entering such service, before the officer in immediate command and holding a commission in the branch of the service in which the person is engaged. Such affidavits shall be as binding in law and with like penalties as if taken before a register of a United States land office. The Secretary of the Interior may issue rules and regulations to effectuate the purposes of sections 501 to 512, inclusive.

Rules and regulations.

SEC. 508. The Secretary of the Interior is hereby authorized, in his discretion, to suspend as to persons in military service during the period while this Act remains in force and for a period of six months thereafter or during any period of hospitalization because of wounds or disability incurred in line of duty that provision of the act known as the "Reclamation Act" requiring residence upon lands in private ownership or within the neighborhood for securing water for the irrigation of the same, and he is authorized to permit the use of available water thereon upon such terms and conditions as he may deem proper.

Residence requirements, lands in private ownership, etc.

Use of available water.

SEC. 509. The Secretary of the Interior shall issue through appropriate military and naval channels a notice for distribution by appropriate military and naval authorities to persons in the military service explaining the provisions of this article except as to section 500 hereof and shall furnish forms to be distributed in like manner to those desiring to make application for its benefits, except as to said section.

Explanatory notice to be distributed.

Application forms.

SEC. 510. (1) During the pendency of any war in which the United States may be engaged while this Act remains in force any homestead entryman shall be entitled to a leave of absence from his entry for the purpose of performing farm labor. The time actually spent in farm labor shall be counted as constructive residence, if within fifteen days after leaving his entry to engage in such labor the entryman files a notice of absence in the land office of the district in which his entry is situated, and if at the expiration of the calendar year the entryman files in that office a written statement under oath and corroborated by two witnesses giving the date or dates when he left his entry, the date or dates of his return, and the place where and person for whom he was engaged in farm labor during such period or periods of absence.

Performance of farm labor.
Leaves of absence to entrymen during pendency of war.

(2) Nothing in this section shall excuse any homestead entryman from making improvements or performing the cultivation upon his entry required by law. The provisions of this section shall apply only to persons whose applications have been allowed or filed prior to the effective date of this Act.

No excuse allowed for nonperformance.

SEC. 511. Any person under the age of twenty-one who serves in the military service while this Act remains in force shall be entitled to the same rights under the laws relating to lands owned or controlled by the United States, including the mining and mineral leasing laws, as those over twenty-one now possess under such laws. Any requirements as to establishment of residence within a limited time shall be suspended as to entry by such person until six months after his discharge from military service. Applications for entry may be verified before any officer in the United States or any foreign country authorized to administer oaths by the laws of the State or Territory in which the land may be situated.

Public lands.
Equal rights accorded persons under age of 21.

U. S. citizens serving with allied forces.

SEC. 512. Citizens of the United States who serve with the forces of any nation with which the United States may be allied in the prosecution of any war in which the United States engages while this Act remains in force shall be entitled to the relief and benefits afforded by this article, if such service is similar to military service as defined in this Act, and if they are honorably discharged and resume United States citizenship or die in the service of the allied forces or as a result of such service.

Tax collection from person in military service.

SEC. 513. The collection from any person in the military service of any tax on the income of such person, whether falling due prior to or during his period of military service, shall be deferred for a period extending not more than six months after the termination of his period of military service if such person's ability to pay such tax is materially impaired by reason of such service. No interest on any amount of tax, collection of which is deferred for any period under this section, and no penalty for nonpayment of such amount during such period, shall accrue for such period of deferment by reason of such nonpayment. The running of any statute of limitations against the collection of such tax by distraint or otherwise shall be suspended for the period of military service of any individual the collection of whose tax is deferred under this section, and for an additional period of nine months beginning with the day following the period of military service. The provisions of this section shall not apply to the income tax on employees imposed by section 1400 of the Federal Insurance Contributions Act.

53 Stat. 175, 1381.
26 U. S. C., Supp.
V, §§ 1400, 1432.

ARTICLE VI—ADMINISTRATIVE REMEDIES

Evasive transfers of interests.

SEC. 600. Where in any proceeding to enforce a civil right in any court it is made to appear to the satisfaction of the court that any interest, property, or contract has since the date of the approval of this Act been transferred or acquired with intent to delay the just enforcement of such right by taking advantage of this Act, the court shall enter such judgment or make such order as might lawfully be entered or made, the provisions of this Act to the contrary notwithstanding.

Certificates as to service.

SEC. 601. (1) In any proceeding under this Act a certificate signed by The Adjutant General of the Army as to persons in the Army or in any branch of the United States service while serving pursuant to law with the Army of the United States, signed by the Chief of the Bureau of Navigation of the Navy Department as to persons in the United States Navy or in any other branch of the United States service while serving pursuant to law with the United States Navy, and signed by the Major General Commandant, United States Marine Corps, as to persons in the Marine Corps, or in any other branch of the United States service while serving pursuant to law with the Marine Corps, or signed by an officer designated by any of them, respectively, for the purpose, shall when produced be prima facie evidence as to any of the following facts stated in such certificate:

Prima facie evidence of specified facts.

That a person named has not been, or is, or has been in military service; the time when and the place where such person entered military service, his residence at that time, and the rank, branch, and unit of such service that he entered, the dates within which he was in military service, the monthly pay received by such person at the date of issuing the certificate, the time when and the place where such person died in or was discharged from such service.

Certificates furnished on application.

(2) It shall be the duty of the foregoing officers to furnish such certificate on application, and any such certificate when purporting to be signed by any one of such officers or by any person purporting

upon the face of the certificates to have been so authorized shall be prima facie evidence of its contents and of the authority of the signer to issue the same.

(3) Where a person in military service has been reported missing he shall be presumed to continue in the service until accounted for, and no period herein limited which begins or ends with the death of such person shall begin or end until the death of such person is in fact reported to or found by the Department of War or Navy, or any court or board thereof, or until such death is found by a court of competent jurisdiction: *Provided*, That no period herein limited which begins or ends with the death of such person shall be extended hereby beyond a period of six months after the time when this Act ceases to be in force.

Presumption as to persons reported missing.

Proviso.
Limitation.

Court action.

SEC. 602. Any interlocutory order made by any court under the provisions of this Act may, upon the court's own motion or otherwise, be revoked, modified, or extended by it upon such notice to the parties affected as it may require.

Saving clause.

SEC. 603. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Duration.
Provisos.
Extension.

SEC. 604. This Act shall remain in force until May 15, 1945: *Provided*, That should the United States be then engaged in a war, this Act shall remain in force until such war is terminated by a treaty of peace proclaimed by the President and for six months thereafter: *Provided further*, That wherever under any section or provision of this Act a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed prior to the date herein fixed for the termination of this Act, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction.

Continuance of authorized transactions.

SEC. 605. The provisions of section 4 of the joint resolution approved August 27, 1940 (Public Resolution Numbered 96, Seventy-sixth Congress), and the provisions of section 13 of the Selective Training and Service Act of 1940, shall not be applicable with respect to any military service performed after the date of enactment of this Act.

Inapplicability of certain provisions.
Note, pp. 860, 895.

Approved, October 17, 1940.

[CHAPTER 889]

AN ACT

To authorize the lease or sale of certain public lands in Alaska, and for other purposes.

October 17, 1940
[H. R. 6658]
[Public, No. 862]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sections numbered 16 and 36 in townships 17 and 18 north, ranges 1 and 2 east, Seward meridian, Alaska, are hereby released from the reservation thereof made by the Act of March 4, 1915 (38 Stat. 1214), for the support of the common schools in the Territory of Alaska, and in lieu of the lands so released an equal area of vacant, nonmineral, surveyed, unreserved, public lands in the Territory of Alaska may be designated and reserved for the support of the common schools in the Territory of Alaska in the manner provided by the Act of February 28, 1891 (26 Stat. 796).

Alaska.
Exchange of certain public lands.

48 U. S. C. § 353.

43 U. S. C. § 851.

SEC. 2. The Secretary of the Interior is hereby authorized, in his discretion, to lease, or to sell at not less than \$1.25 per acre, under such rules and regulations and upon such terms and conditions as he may

Lease or sale of lands released from reservation.

Proviso.
Reservation of mineral rights.

prescribe, the lands released from reservation by section 1 of this Act and the public lands in townships 17 and 18 north, ranges 1 and 2 east; sections 25, 26, 27, 31, 32, 33, 34, and 35, township 17 north, range 1 west; sections 3, 4, 5, 6, and 7, township 16 north, range 1 west; sections 1, 2, 11, and 12, township 16 north, range 2 west, Seward meridian, Alaska: *Provided, however,* That all patents and leases issued under the provisions of this Act shall contain a reservation to the United States of the oil, gas, and other mineral deposits, together with the right to prospect for, mine, and remove the same under such regulations as the Secretary of the Interior may prescribe. The provisions of this section are subject to valid existing rights.

Approved, October 17, 1940.

[CHAPTER 890]

AN ACT

October 17, 1940
[H. R. 7252]
[Public, No. 863]

To authorize the Secretary of the Interior to sell or lease for park or recreational purposes, and to sell for cemetery purposes, certain public lands in Alaska.

Alaska.
Sale or lease of certain lands for park, etc., purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to appraise and sell, or to lease, to any incorporated city or town in Alaska, for park or recreational purposes, not to exceed one hundred and sixty acres of vacant and unreserved public lands in the Territory, which, in his opinion, are reasonably accessible to such city or town, and to appraise and sell to any such city or town, for cemetery purposes, not to exceed eighty acres of such land: *Provided,* That each patent issued under the provisions of this Act shall contain a reservation to the United States of the coal and other mineral deposits in the land conveyed, together with the right to prospect for, mine, and remove the same, under rules and regulations issued by the Secretary of the Interior.

For cemetery purposes.

Proviso.
Reservation of mineral rights.

Inapplicability of designated Act.
43 U. S. C. § 729.

SEC. 2. From and after the date of enactment of this Act, the Act of September 30, 1890 (26 Stat. 502), shall not apply to the Territory of Alaska.

Approved, October 17, 1940.

[CHAPTER 891]

AN ACT

October 17, 1940
[H. R. 8613]
[Public, No. 864]

To amend the Act to provide for the retirement of disabled nurses of the Army and the Navy.

Disabled nurses of Army and Navy.
10 U. S. C. § 937.
Proviso.
Retirement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law Numbered 401 (71st Cong.) (46 Stat. 790), dated June 20, 1930, be amended by adding thereto the following proviso: *Provided,* That any person who served as a member of the Army Nurse Corps or of the Navy Nurse Corps during the World War and continuously thereafter until May 13, 1926, and who was, prior to June 20, 1930, separated from said corps by reason of physical disability incurred in line of duty, shall, upon her application therefor, be entitled to be placed upon the retired list of the Nurse Corps of which she was a member, as provided in this Act, her retired pay hereunder becoming effective on the date of receipt by the Secretary of War or the Secretary of the Navy, as the case may be, of such application or the date of enactment of this amendment whichever is the later.

Approved, October 17, 1940.

[CHAPTER 892]

AN ACT

To authorize the exchange of certain patented lands in the Death Valley National Monument for Government lands in the monument.

October 17, 1940

[H. R. 8646]

[Public, No. 865]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the owner of the east half of the northeast quarter, section 35, township 15 south, range 44 east, of the Mount Diablo meridian, Inyo County, California, within the Death Valley National Monument, is hereby permitted and authorized to convey the fee-simple title thereto to the United States, and select in lieu thereof the west half of the southeast quarter, section 36, township 15 south, range 44 east, of the Mount Diablo meridian; and the Secretary of the Interior is hereby authorized and empowered to accept such conveyance, and thereafter cause a patent for the lands so selected to be issued to such owner, reserving to the United States, however, such rights-of-way as may be needed for the construction and maintenance of roads in the national monument: *Provided*, That the lands so conveyed to the United States shall become and be a part of the said national monument, and also subject to all laws and regulations relating to other lands therein: *And provided further*, That the owner of such privately owned lands within said national monument shall, before any exchange is effective, furnish to the Secretary of the Interior evidence satisfactory to him of title to the patent lands offered in exchange.

Approved, October 17, 1940.

Death Valley National Monument, Calif.

Lands in, conveyed to United States.

Selection in lieu thereof.

Provisos.
Lands to become part of monument.

Evidence of title.

[CHAPTER 893]

AN ACT

To amend section 202 (3), World War Veterans' Act, 1924, as amended, to provide more adequate and uniform administrative provisions in veterans' laws, and for other purposes.

October 17, 1940

[H. R. 8930]

[Public, No. 866]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law Numbered 484, Seventy-third Congress, approved June 28, 1934, as amended, is hereby amended by adding a new section thereto numbered 6 to read as follows:

"SEC. 6. There shall be no recovery of payments heretofore or hereafter made under the provisions of this Act from any person who, in the judgment of the Administrator, is without fault on his part and where, in the judgment of the Administrator, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience. No disbursing officer and no certifying officer shall be held liable for any amount paid to any person where the recovery of such amount from the payee is waived under the provisions of this section. This section shall be deemed to be in effect as of June 28, 1934."

SEC. 2. (a) That paragraphs II, III, and IV of Veterans Regulation Numbered 9 (a), as amended, be further amended to read as follows:

"II. Where an honorably discharged veteran of any war, a veteran of any war in receipt of pension or compensation, a veteran discharged from the Army, Navy, Marine Corps, or Coast Guard for disability incurred in line of duty, or a veteran of the Army, Navy, Marine Corps, or Coast Guard in receipt of pension for service-connected disability dies after discharge, the Administrator, in his discretion and with due regard to the circumstances in each case, shall pay, for burial and funeral expenses and transportation

Administrative provisions in veterans' laws.

48 Stat. 1281.
38 U. S. C. §§ 503-507; Supp. V, §§ 503-506.

Veterans' benefits.
No recovery from beneficiary if without fault, etc.

No liability of disbursing officer.

Provision retroactive.

38 U. S. C., 1934 ed., p. 1702; Supp. V, p. 998.

Burial allowances.
Ante, p. 963.

Contracts.	<p>of the body (including preparation of the body) to the place of burial, a sum not exceeding \$100 to cover such items and to be paid to such person or persons as may be prescribed by the Administrator. The Administrator may, in his discretion, make contracts for burial and funeral services within the limits of the amount herein allowed without regard to the laws prescribing advertisement for proposals for supplies and services for the Veterans' Administration. No deduction shall be made from the burial allowance because of any contribution from any source toward the burial and funeral (including transportation) unless the amount of expenses incurred is covered by the amount actually paid for burial and funeral (including transportation) purposes by a State, county, or other political subdivision, workmen's compensation commission, State industrial accident board, employer, burial association, or Federal agency: <i>Provided</i>, That no claim shall be allowed for more than the difference between the entire amount of the expenses incurred, and the amount paid by any or all of the foregoing agencies or organizations: <i>Provided further</i>, That nothing herein shall be construed to cause the denial of or a reduction in the amount of the burial allowance otherwise payable because of a cash contribution made by a burial association to any person other than the person rendering burial and funeral services: <i>And provided further</i>, That nothing herein contained shall be construed so as to cause payment of the burial allowance or any part thereof in any case where specific provision is otherwise made for payment of expenses of funeral, transportation, and interment under any other Act.</p>
No deductions because of other contributions; exception.	
<i>Provisos.</i> Amount restricted.	
Cash contributions to other than person rendering burial services.	
Payment of expenses under any other Act.	
Transportation of body from a facility to place of burial.	
Veteran dying while hospitalized.	<p>"III. Where death occurs in a Veterans' Administration facility within the continental limits of the United States, the Veterans' Administration will (a) assume the actual cost (not to exceed \$100) of burial and funeral, and (b) transport the body to the place of burial within the continental limits of the United States or to the place of burial in Alaska if the veteran was a resident of Alaska and had been brought to the United States as beneficiary of the Veterans' Administration for hospital or domiciliary care. Where a veteran dies while hospitalized under authority of the Veterans' Administration in a Territory or possession of the United States the Veterans' Administration will (a) assume the actual cost (not to exceed \$100) of burial and funeral, and (b) transport the body to the place of burial within the Territory or possession.</p>
Claims for reimbursement.	<p>"IV. Claims for reimbursement must be filed within two years subsequent to the date of burial of the veteran. In the event the claimant's application is not complete at the time of original submission, the Veterans' Administration will notify the claimant of the evidence necessary to complete the application and if such evidence is not received within one year from the date of the request therefor no allowance may be paid: <i>Provided</i>, That where the death of a veteran occurred on or after March 20, 1933, and claim for burial allowance was not filed, or was filed after the expiration of the regulatory period, or was filed within the regulatory period and disallowed, the Administrator of Veterans' Affairs is hereby authorized and directed to receive and adjudicate a claim filed within two years after the date of enactment of this Act and to grant burial allowance under the provisions of laws and regulations governing such allowance as amended by this Act."</p>
<i>Proviso.</i> Certain unfilled, etc., claims.	
38 U. S. C., 1934 ed., p. 1699.	
Payment of travel expenses of indigent patients to a facility, etc.	<p>(b) That paragraph III of Veterans Regulation Numbered 6 (a), as amended, be further amended to read as follows:</p> <p>"III. To persons unable to defray the cost thereof, transportation and other necessary expenses incidental thereto will be supplied to cover travel to a Veterans' Administration facility for domiciliary</p>

or hospital care; to cover return travel to the place from which the person proceeded to the facility, when he is regularly discharged upon completion of such care; and to cover travel involved in a transfer, deemed necessary, from one Veterans' Administration facility to another. All such travel will be subject to grant of prior authorization therefor. In the event of death of any such person within the continental limits of the United States prior to his discharge from such care, transportation expenses (including preparation of the body) for the return of the body to the place of burial within the continental limits of the United States, or to the place of burial in Alaska if the veteran was a resident of Alaska and had been brought to the United States as a beneficiary of the Veterans' Administration for hospital or domiciliary care, may be paid in the discretion of the Administrator of Veterans' Affairs, when deemed necessary and as an administrative necessity. In the event of death of any such person in a Territory or possession of the United States transportation expenses (including preparation of the body) for the return of the body to place of burial within the Territory or possession may be paid."

Allowance if death occurs within continental limits of U. S.

Territory or U. S. possession.

(c) This section shall be applied to any claim for burial benefits pending in the Veterans' Administration on the date of its enactment.

Application of section.

SEC. 3. Where a disabled person, entitled to pension, compensation, or emergency officers' retirement pay under laws or regulations administered by the Veterans' Administration, and his wife are not living together, or where the child or children are not in the custody of the disabled person; or where, in death cases, the child or children are not in the custody of the widow, the amount of the pension, compensation or emergency officers' retirement pay may be apportioned as may be prescribed by the Administrator of Veterans' Affairs.

Apportionment of veterans' benefits.

The Act of March 3, 1899 (30 Stat. 1379, ch. 460; U. S. C., title 38, secs 45, 46, 47, and 49), with the exception of the last proviso (U. S. C., title 38, sec. 192), paragraph VII of Veterans Regulation Numbered 6 series (U. S. C., title 38, ch. 12, appendix), and all other provisions of law or regulation in conflict with the foregoing are repealed or modified to conform with the provisions of this section.

Designated conflicting laws, etc., repealed or modified.

SEC. 4. That paragraph IV, Veterans Regulation Numbered 6 (a), as amended (U. S. C., title 38, ch. 12, appendix), is hereby amended to read as follows:

38 U. S. C., 1934 ed., p. 1699.

"IV. No person shall be entitled to receive domiciliary, medical, or hospital care, including treatment, who resides outside of the continental limits of the United States or its Territories or possessions: *Provided*, That in the discretion of the Administrator of Veterans' Affairs necessary hospital care, including medical treatment, may be furnished to veterans who are citizens of the United States and who are temporarily sojourning or residing abroad, for disabilities due to war service in the armed forces of the United States."

Restriction on domiciliary, etc., care.

Proviso.
Exception.

SEC. 5. That section 3 of Public Law Numbered 262, Seventy-fourth Congress, approved August 12, 1935, is hereby amended by adding at the end thereof the following sentence: "From and after the date of approval of this amendatory Act this section shall be construed to prohibit the collection by set-off or otherwise out of any benefits payable pursuant to any law administered by the Veterans' Administration and relating to veterans, their estates, or their dependents, of any claim of the United States or any agency thereof against (a) any person other than the indebted beneficiary or his estate; or (b) any beneficiary or his estate except amounts due the United States by such beneficiary or his estate by reason of overpayments or illegal payments made under such laws relating to veterans, to such bene-

49 Stat. 609.
38 U. S. C., Supp. V, §§ 454 (note), 454a.
Exemption of veterans' benefits from set-off under certain claims.

Provisos.
Inapplicability in
designated cases.

No deductions.

38 U. S. C., Supp.
V, § 687b.

Disability compen-
sation.

43 Stat. 613.
38 U. S. C. § 474.

53 Stat. 1067.
38 U. S. C., Supp.
V, § 703b.

Death compensa-
tion to dependents of
certain World War
veterans.

48 Stat. 1281.
38 U. S. C. §§ 503-
507; Supp. V, §§ 503-
506.
50 Stat. 661.
38 U. S. C., Supp.
V, § 472d.
Effective date of
award.

Service-connected
disability compensa-
tion.
Payment of forfeited
benefits to depend-
ents.

Proviso.
No payment to ac-
complice.

Reimbursement on
account of other ex-
penses authorized by
law.

48 Stat. 1281.
38 U. S. C. §§ 503-
507; Supp. V, §§ 503-
506.
Payment not retro-
active.

fiary or his estate or to his dependents as such: *Provided, however,* That if the benefits be insurance payable by reason of yearly renewable term or of United States Government life (converted) insurance issued by the United States, the exemption herein provided shall be inapplicable to indebtedness existing against the particular insurance contract upon the maturity of which the claim is based, whether such indebtedness be in the form of liens to secure unpaid premiums, or loans, or interest on such premiums or loans, or indebtedness arising from overpayments of dividends, refunds, loans, or other insurance benefits: *Provided further,* That nothing in this amendatory Act shall be construed to modify or repeal section 7 of Public Law Numbered 425, Seventy-fourth Congress, enacted January 27, 1936 (38 U. S. C. 687-b; 49 Stat. 1101)."

SEC. 6. That on and after the date of enactment of this Act, World War veterans otherwise entitled to the statutory award under the provisions of the last paragraph of section 202 (3), World War Veterans' Act, 1924, as amended, for the loss of the use of one or more feet or hands, shall be paid \$35 per month additional compensation in lieu of \$25 per month previously authorized.

SEC. 7. Section 1 of Public Law Numbered 196, Seventy-Sixth Congress, July 19, 1939, is hereby amended by striking therefrom the words "and who was in receipt of compensation therefor on March 19, 1933" and by substituting for the second proviso thereof the following: "*Provided further,* That where a World War veteran dies or has died, and service connection for any of the foregoing conditions is or would have been established under the provisions of this amendment, the surviving widow, child, or children, if otherwise eligible thereto, shall be awarded death compensation under Public Law Numbered 484, Seventy-third Congress, as amended".

SEC. 8. Except as provided in section 6 of Public Law Numbered 304, Seventy-fifth Congress, approved August 16, 1937 (U. S. C., title 38, sec. 472d), compensation authorized by section 7 of this Act shall not be payable effective prior to the receipt of application therefor in the Veterans' Administration, and in no event shall compensation therein authorized be effective prior to the date of enactment of this Act.

SEC. 9. That when disability compensation or pension based upon service-connected disability has been forfeited by a veteran under section 504 of the World War Veterans' Act, 1924, as amended (43 Stat. 1312; U. S. C., title 38, sec. 555), or section 15 of Public Law Numbered 2, Seventy-third Congress (48 Stat. 11; U. S. C., title 38, sec. 715), compensation or pension payable except for the forfeiture, from and after the date of suspension of payments to the veteran, shall be paid to his wife, child or children, and/or dependent parents, such payments not to exceed the amount payable in case such veteran had died from such service-connected disability: *Provided,* That no compensation or pension shall be paid to any dependent who has participated in the fraud for which the forfeiture was imposed.

Forfeiture of benefits by a veteran under the provisions of section 504, World War Veterans' Act, 1924, as amended, or section 15 of Public Law Numbered 2, Seventy-third Congress, shall not be construed to prohibit reimbursement on account of expenses incurred in the burial of such veteran otherwise authorized by law, or to prohibit payments of death compensation benefits for service-connected death or under Public Law Numbered 484, Seventy-third Congress, as amended.

Benefits authorized by this section shall not be paid for any period prior to the date of this enactment.

SEC. 10. Veterans Regulation Numbered 11 (U. S. C., title 38, ch. 12, appendix), promulgated under the Act of March 20, 1933 (Public, Numbered 2, Seventy-third Congress), is hereby amended by adding a new paragraph thereto numbered "III", to read as follows:

"III. The provisions of Veterans Regulation Numbered 11 shall apply to all claims under any of the laws administered by the Veterans' Administration: *Provided*, That the Administrator of Veterans' Affairs may release information, statistics, or reports, to individuals or organizations when in his judgment such release would serve a useful purpose."

SEC. 11. Notwithstanding any other provisions of law, except as provided in section 19 of the World War Veterans' Act, 1924, as amended, and in section 817 of the National Service Life Insurance Act of 1940, the decisions of the Administrator of Veterans' Affairs on any question of law or fact concerning a claim for benefits or payments under this or any other Act administered by the Veterans' Administration shall be final and conclusive and no other official or any court of the United States shall have power or jurisdiction to review any such decisions.

SEC. 12. Where any veteran suffers or has suffered an injury, or an aggravation of any existing injury, as the result of having submitted to an examination under authority of any of the laws granting monetary or other benefits to World War veterans, and not the result of his misconduct, and such injury or aggravation results in additional disability to or the death of such veteran, the veteran or his dependents shall be entitled to the same benefits as are provided for those who suffer an injury or an aggravation of any existing injury as a result of training, hospitalization, or medical or surgical treatment under the provisions of section 31 of Public Law Numbered 141, Seventy-third Congress, March 28, 1934. No benefits under this section shall be awarded unless application be made therefor within two years after such injury or aggravation was suffered, or such death occurred, or after the date of enactment of this Act, whichever is the later date.

Approved, October 17, 1940.

[CHAPTER 894]

AN ACT

For the protection of the water supply of the town of Petersburg, Alaska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tract of land hereinafter described, situated in the Tongass National Forest in the Territory of Alaska, is hereby reserved from all forms of location, entry, or appropriation, whether under the mineral or nonmineral land laws of the United States, and set aside as a municipal water-supply reserve for the use and benefit of the people of the town of Petersburg, a municipal corporation of the Territory of Alaska as follows, to wit: Beginning at corner numbered 1, from which the quarter section corner between sections 2 and 3, township 59 south, range 79 east, Copper River meridian, bears west forty chains; thence along the top of a divide south fourteen degrees west one hundred and twenty-three and twenty one-hundredths chains to corner numbered 2, at the place where a side ridge intersects the main divide; thence along the top of the main divide south fifty-two degrees east ninety-three and sixty one-hundredths chains to corner numbered 3, located on top of a prominent unnamed peak from which the southeast corner of section 14 township 59 south, range 79 east, bears

48 Stat. 8.
38 U. S. C. §§ 701-721; Supp. V, §§ 701-718.

Disclosure of information.

Proviso.
Release, if serving useful purpose.

Finality of decisions; exceptions.
43 Stat. 612.
38 U. S. C. § 445; Supp. V, § 445.
Ante, p. 1014, § 617.

Uniformity in payment of benefits for specified injuries.

48 Stat. 526.
38 U. S. C. § 501a.
Time for application limited.

October 17, 1940
[H. R. 9173]
[Public, No. 867]

Petersburg, Alaska.
Designated land set aside as municipal water-supply reserve.

Description of tract.

south nineteen degrees west twenty-four chains; thence along top of divide north fifty degrees east thirty-two chains to corner numbered 4 at junction of ridge, extending northeasterly; thence along top of ridge north thirteen degrees east one hundred and sixty chains to corner numbered 5; thence west forty-eight chains to intake dam on unnamed creek, from which the town of Petersburg draws its domestic water supply; thence west fifty-eight and forty one-hundredths chains to the place of beginning, containing one thousand six hundred and twenty-seven acres.

Administration.

Right of municipality.

Provisos.
Sale of timber.

Reversionary provisions.

Regulations.

Prior rights.

SEC. 2. The lands hereinbefore described and reserved for municipal water-supply purposes, which are within the Tongass National Forest, shall be administered by the Secretary of Agriculture, for the purpose of storing, conserving, and protecting from pollution the said water supply, and preserving, improving, and increasing the timber growth on said lands, to more fully accomplish such purposes; and to that end said municipality shall have the right, subject to the approval of the Secretary of Agriculture, to the use of any and all parts of the lands reserved for the storage and conveying of water and construction and maintenance thereon of all improvements for such purposes: *Provided*, That the merchantable timber on the land to be used by the said municipality may be sold by the Secretary of Agriculture under rules and regulations to be prescribed by him: *And provided further*, That the right to the use by the town of Petersburg of the lands reserved by this Act shall terminate upon the abandonment of the use by such municipality in accordance with the terms of this Act, and upon a finding of such nonuse or abandonment, for a period of two years, by the Secretary of Agriculture, whereupon the reservation created by this Act shall terminate to the extent of such lands involved.

SEC. 3. The Secretary of Agriculture is hereby authorized to prescribe and enforce such regulations as may be found necessary to carry out the purpose of this Act, including the right to forbid persons other than those authorized by him and the municipal authorities of said municipal corporation from entering or otherwise trespassing upon these lands, and any violation of this Act or of regulations issued thereunder shall be a misdemeanor and shall be punishable as is provided for in section 5050, Compiled Laws of Alaska, 1933.

SEC. 4. Nothing herein contained shall affect any valid right or claim to any part of said lands heretofore acquired under any law of the United States.

Approved, October 17, 1940.

[CHAPTER 895]

AN ACT

October 17, 1940
[H. R. 9972]
[Public, No. 868]

Authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes.

Rivers and harbors.
Improvements in interest of national defense.
Ante, p. 506.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following works of improvement of rivers, harbors, and other waterways are hereby adopted and authorized, to be prosecuted in the interest of the national defense under the direction of the Secretary of War and supervision of the Chief of Engineers, in accordance with the plans recommended in the respective reports hereinafter designated and subject to conditions set forth therein:

Maine.

Kennebec River, Maine; improvement in accordance with the report on file in the Office, Chief of Engineers;

Massachusetts.

Boston Harbor, Massachusetts; House Documents Numbered 225 and 362, Seventy-sixth Congress;

Nantasket (Hull) Gut and Weymouth Fore River, Massachusetts; House Document Numbered 568, Seventy-sixth Congress;

Raritan River, New Jersey; channel to the Raritan Arsenal in accordance with the report on file in the Office, Chief of Engineers;

Baltimore Harbor, Maryland; channel in Curtis Creek in accordance with the report on file in the Office, Chief of Engineers;

Middle River and Dark Head Creek, Maryland; House Document Numbered 556, Seventy-sixth Congress;

Norfolk Harbor, Virginia; House Document Numbered 683, Seventy-sixth Congress;

Portsmouth Harbor, Virginia; channel to Nansemond Ordnance Depot in accordance with the report on file in the Office, Chief of Engineers;

Channel from Manteo to Oregon Inlet, North Carolina; House Document Numbered 313, Seventy-sixth Congress;

Silver Lake Harbor, North Carolina; House Document Numbered 325, Seventy-sixth Congress;

Charleston Harbor, South Carolina; House Document Numbered 259, Seventy-sixth Congress;

Charleston Harbor, South Carolina; channel to the ordnance depot in accordance with the report on file in the Office, Chief of Engineers;

Mobile Harbor, Alabama; House Documents Numbered 221 and 282, Seventy-sixth Congress;

Sabine-Neches Waterway at Orange, Texas, in accordance with report on file in the Office of the Chief of Engineers;

Corpus Christi, Texas; channel to and including a turning basin at Navy seaplane base, Encinal Peninsula, in accordance with the report on file in the Office, Chief of Engineers;

Oswego Harbor, New York; House Document Numbered 96, Seventy-sixth Congress;

San Diego Harbor, California; House Document Numbered 844, Seventy-sixth Congress;

Los Angeles and Long Beach Harbors, California; House Document Numbered 843, Seventy-sixth Congress, and in accordance with plans developed in conjunction with the Navy Department for modifying the alinement and increasing the length of the breakwater to approximately twenty-one thousand feet;

Sitka Harbor, Alaska; House Document Numbered 331, Seventy-sixth Congress;

Kodiak Harbor, Alaska; House Document Numbered 332, Seventy-sixth Congress;

Keehi Lagoon, Oahu, Territory of Hawaii; House Document Numbered 329, Seventy-sixth Congress; and

San Juan Harbor, Puerto Rico; House Document Numbered 364, Seventy-sixth Congress.

SEC. 2. The following modifications of projects, involving no cost to the United States, in addition to that heretofore authorized, are hereby adopted and authorized to be prosecuted:

Wilmington Harbor, Delaware; in accordance with the provisions of House Document Numbered 658, Seventy-sixth Congress;

Cleveland Harbor, Ohio; the existing project set forth in House Document Numbered 84, Seventy-fourth Congress, and authorized by Public Law Numbered 392, Seventy-fifth Congress, is hereby modified to provide that cuts or partial cuts may be made before the related railroad bridges are modified or rebuilt when in the opinion of the Chief of Engineers such procedure will be advantageous to navigation;

The second proviso in section 2 of the Act of August 26, 1937 (50 Stat. 844, 850), authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,

New Jersey.

Maryland.

Virginia.

North Carolina.

South Carolina.

Alabama.

Texas.

New York.

California.

Alaska.

Hawaii.

Puerto Rico.

Modification of designated projects.

Wilmington, Del.

Cleveland, Ohio.

50 Stat. 849.

Central Valley project, Calif., reauthorization.

Purposes declared.	is hereby amended to read as follows: " <i>Provided further</i> , That the entire Central Valley project, California, heretofore authorized and established under the provisions of the Emergency Relief Appropriation Act of 1935 (49 Stat. 115) and the First Deficiency Appropriation Act, fiscal year 1936 (49 Stat. 1622), is hereby reauthorized and declared to be for the purposes of improving navigation, regulating the flow of the San Joaquin River and the Sacramento River, controlling floods, providing for storage and for the delivery of the stored waters thereof, for construction under the provisions of the Federal reclamation laws of such distribution systems as the Secretary of the Interior deems necessary in connection with lands for which said stored waters are to be delivered, for the reclamation of arid and semi-arid lands and lands of Indian reservations, and other beneficial uses, and for the generation and sale of electric energy as a means of financially aiding and assisting such undertakings, and in order to permit the full utilization of the works constructed to accomplish the aforesaid purposes."
37 Stat. 222. 33 U. S. C. § 603.	SEC. 3. That the paragraph in section 1 of the River and Harbor Act, approved July 25, 1912, authorizing the removal of temporary obstructions from tributaries of waterways under Federal improvement (37 Stat. L. 722), as amended in section 3 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public work on rivers and harbors, and for other purposes", approved July 3, 1930, is hereby amended to read as follows:
46 Stat. 946. 33 U. S. C. § 603.	"The Chief of Engineers, in his discretion, and after approval by the Secretary of War, is hereby authorized to make preliminary examinations and minor surveys preliminary thereto and to remove snags and other temporary or readily removable obstructions from tributaries of waterways already under Federal improvement or in general use by navigation, or to make such minor improvements in any of the navigable waters of the United States as he may deem advisable in the interest of national defense, the cost thereof to be paid from funds appropriated for the maintenance and improvement of rivers and harbors: <i>Provided</i> , That the cost of such work in any single year shall not exceed \$3,000 per tributary."
Preliminary examinations and surveys.	SEC. 4. The project for the Denison Reservoir on Red River in Texas and Oklahoma, authorized by the Flood Control Act approved June 28, 1938, is hereby declared to be for the purpose of improving navigation, regulating the flow of the Red River, controlling floods, and for other beneficial uses.
Removal of temporary obstructions from tributary waters.	Approved, October 17, 1940.
<i>Proviso.</i> Cost limitation.	
Red River, Tex. and Okla. Denison Reservoir project, purpose declared. 52 Stat. 1219.	

[CHAPTER 896]

AN ACT

October 17, 1940
[H. R. 9982]
[Public, No. 869]

To amend section 4551 of the Revised Statutes, as amended, and for other purposes.

R. S. § 4551, amendment.
Shipment and discharge of seamen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4551 of the Revised Statutes, as amended (U. S. C., 1934 edition, Supp. V, title 46, sec. 643), is amended by the addition of a new subsection lettered (1), reading as follows:

Master's report.

Contents.

"(1) The master of every vessel subject to the provisions of this section shall submit, over his signature, reports to the Bureau of Marine Inspection and Navigation of the employment, discharge, or termination of services of every seaman not shipped or discharged before a shipping commissioner, which reports shall contain such of the following information as may be required by regulation of the

Secretary of Commerce: (1) name of vessel, official number, voyage number, port, date, description of voyage, name in full of each seaman, number of continuous discharge book or certificate of identification and of license, certificate of registry, or service, and efficiency for rating in which employed, age, citizenship, capacity in which engaged, date and place of engagement, date and place of discharge or separation from service of vessel, the percentage of citizens of the United States in the crew, and name in full of the master and the serial number of his license; (2) a statement showing (a) that the master has entered into an agreement with each seaman on board such vessel as required by law; (b) that at least 65 per centum of the deck crew (exclusive of licensed officers) are of a rating not less than able seamen; (c) that at least 75 per centum of the crew in each department are able to understand orders given by the officers; (d) that the vessel has in her service the number of lifeboatmen required by her certificate of inspection; (e) that each member of the crew possesses a license, certificate of registry, or certificate of service for the rating in which he is engaged, and (f) that each lifeboatman possesses a certificate of efficiency. The Secretary of Commerce shall, by regulation, prescribe the form and content of such reports and time of submitting them. This subsection shall not apply to any ferry or any tug used in connection with a ferry operation, if such ferry or tug is employed exclusively in trade on the Great Lakes, lakes (other than the Great Lakes), bays, sounds, bayous, canals, and harbors, and is not engaged on an international voyage. Any master who shall violate any provision of this subsection or regulations established hereunder shall be subject to a penalty of \$500."

SEC. 2. The President is hereby authorized, whenever in his judgment the national interest requires, to extend the provisions of subsection (1) of section 4551, Revised Statutes, as amended, to such additional class or classes of vessels and to such waters as he may designate.

Approved, October 17, 1940.

[CHAPTER 897]

AN ACT

To require the registration of certain organizations carrying on activities within the United States, and for other purposes.

October 17, 1940
[H. R. 10094]
[Public, No. 870]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of this Act—

(a) The term "Attorney General" means the Attorney General of the United States;

Registration of certain organizations.
Definitions.
"Attorney General."

(b) The term "organization" means any group, club, league, society, committee, association, political party, or combination of individuals, whether incorporated or otherwise, but such term shall not include any corporation, association, community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes;

"Organization."

(c) The term "political activity" means any activity the purpose or aim of which, or one of the purposes or aims of which, is the control by force or overthrow of the Government of the United States or a political subdivision thereof, or any State or political subdivision thereof;

"Political activity."

(d) An organization shall be deemed to be engaged in "civilian military activity" if (1) it gives instruction to, or prescribes instruction for, its members in the use of firearms or other weapons or

"Civilian military activity."

any substitute therefor, or military or naval science, or (2) it receives from any other organization or from any individual instruction in military or naval science, or (3) it engages in any military or naval maneuvers or activities, or (4) it engages, either with or without arms, in drills or parades of a military or naval character, or (5) it engages in any other form of organized activity which in the opinion of the Attorney General constitutes preparation for military action; and

"Subject to foreign control."

(e) An organization shall be deemed "subject to foreign control" if (1) it solicits or accepts financial contributions, loans, or support of any kind, directly or indirectly, from, or is affiliated directly or indirectly with, a foreign government or a political subdivision thereof, or an agent, agency, or instrumentality of a foreign government or political subdivision thereof, or a political party in a foreign country, or an international political organization, or (2) its policies, or any of them, are determined by or at the suggestion of, or in collaboration with, a foreign government or political subdivision thereof, or an agent, agency, or instrumentality of a foreign government or a political subdivision thereof, or a political party in a foreign country, or an international political organization.

Organizations required to register.

SEC. 2. (a) The following organizations shall be required to register with the Attorney General as hereinafter provided:

(1) Every organization subject to foreign control which engages in political activity;

(2) Every organization which engages both in civilian military activity and in political activity;

(3) Every organization subject to foreign control which engages in civilian military activity; and

(4) Every organization, the purpose or aim of which, or one of the purposes or aims of which, is the establishment, control, conduct, seizure, or overthrow of a government or subdivision thereof by the use of force, violence, military measures, or threats of any one or more of the foregoing.

Manner of registration.

Every such organization shall register by filing with the Attorney General, on such forms and in such detail as the Attorney General may by rules and regulations prescribe, a registration statement containing the information and documents prescribed in subsection (c) and shall within thirty days after the expiration of each period of six months succeeding the filing of such registration statement, file with the Attorney General, on such forms and in such detail as the Attorney General may by rules and regulations prescribe, a supplemental statement containing such information and documents as may be necessary to make the information and documents previously filed under this section accurate and current with respect to such preceding six months' period. Every statement required to be filed by this section shall be subscribed, under oath, by all of the officers of the organization.

Filing of supplemental statements.

Exemptions.

(b) Nothing in subsection (a) shall be deemed to require registration or the filing of any statement with the Attorney General by (1) the armed forces of the United States, or (2) the organized militia or National Guard of any States, Territory, District, or possession of the United States, or (3) any law-enforcement agency of the United States or of any Territory, District, or possession thereof, or of any State or political subdivision of a State, or of any agency or instrumentality of one or more States, or (4) any duly established diplomatic mission or consular office of a foreign government which is so recognized by the Department of State, or (5) any nationally recognized organization of persons who are veterans of the armed forces of the United States, or affiliates of such organizations.

(c) Every registration statement required by subsection (a) to be filed by any organization shall contain the following information and documents:

Registration state-
ment.
Contents.

(1) The name and post-office address of the organization in the United States, and the names and addresses of all branches, chapters, and affiliates of such organization;

(2) The name, address, and nationality of each officer, and of each person who performs the functions of an officer, of the organization, and of each branch, chapter, and affiliate of the organization;

(3) The qualifications for membership in the organization;

(4) The existing and proposed aims and purposes of the organization, and all the means by which these aims or purposes are being attained or are to be attained;

(5) The address or addresses of meeting places of the organization, and of each branch, chapter, or affiliate of the organization, and the times of meetings;

(6) The name and address of each person who has contributed any money, dues, property, or other thing of value to the organization or to any branch, chapter, or affiliate of the organization;

(7) A detailed statement of the assets of the organization, and of each branch, chapter, and affiliate of the organization, the manner in which such assets were acquired, and a detailed statement of the liabilities and income of the organization and of each branch, chapter, and affiliate of the organization;

(8) A detailed description of the activities of the organization, and of each chapter, branch, and affiliate of the organization;

(9) A description of the uniforms, badges, insignia, or other means of identification prescribed by the organization, and worn or carried by its officers or members, or any of such officers or members;

(10) A copy of each book, pamphlet, leaflet, or other publication or item of written, printed, or graphic matter issued or distributed directly or indirectly by the organization, or by any chapter, branch, or affiliate of the organization, or by any of the members of the organization under its authority or within its knowledge, together with the name of its author or authors and the name and address of the publisher;

(11) A description of all firearms or other weapons owned by the organization, or by any chapter, branch, or affiliate of the organization, identified by the manufacturer's number thereon;

(12) In case the organization is subject to foreign control, the manner in which it is so subject;

(13) A copy of the charter, articles of association, constitution, bylaws, rules, regulations, agreements, resolutions, and all other instruments relating to the organization, powers, and purposes of the organization and to the powers of the officers of the organization and of each chapter, branch, and affiliate of the organization; and

(14) Such other information and documents pertinent to the purposes of this Act as the Attorney General may from time to time require.

All statements filed under this section shall be public records and open to public examination and inspection at all reasonable hours under such rules and regulations as the Attorney General may prescribe.

Statements filed to
be public records.

SEC. 3. The Attorney General is authorized at any time to make, amend, and rescind such rules and regulations as may be necessary

Rules and regula-
tions.

to carry out the provisions of this Act, including rules and regulations governing the statements required to be filed by this Act.

Penalty provisions.

SEC. 4. Any violation of any of the provisions of this Act shall be punishable by a fine of not more than \$10,000 or by imprisonment for not more than five years, or both. Whoever in a statement filed pursuant to section 2 willfully makes any false statement or willfully omits to state any fact which is required to be stated, or which is necessary to make the statements made not misleading, shall, upon conviction, be subject to a fine of not more than \$2,000 or to imprisonment for not more than five years, or both.

Saving clause.

SEC. 5. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Effective date.

SEC. 6. This Act shall take effect on the ninetieth day after the date of its enactment, except that prior to such ninetieth day the Attorney General may make, amend, or rescind such rules and regulations as may be necessary to carry out the provisions of this Act.

Approved, October 17, 1940.

[CHAPTER 898]

AN ACT

To amend further the District of Columbia Unemployment Compensation Act.

October 17, 1940
[H. R. 10322]
[Public, No. 871]

D. C. Unemployment Compensation Act, amendment.
49 Stat. 946.
8 D. C. Code, Supp. V, § 311 (b) (4).

Service performed in employ of U. S. Government.

53 Stat. 183.
26 U. S. C., Supp. V, § 1600.

Provisos.
Contributions to State unemployment funds.

Lack of certification by Social Security Board.

53 Stat. 185.
26 U. S. C. § 1603.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Unemployment Compensation Act, approved August 28, 1935, as amended, be, and is hereby further, amended as follows: Substitute the following paragraph (4) for the present paragraph (4) of section 1 (b):

“(4) service performed in the employ of the United States Government or of an instrumentality of the United States which is (A) wholly owned by the United States or (B) exempt from the tax imposed by section 1600 of the Internal Revenue Code of the United States by virtue of any other provision of law: *Provided*, That, in the event that the Congress of the United States, on or before the date of the enactment of this Act, has permitted or in the event that the Congress of the United States shall permit States to require any instrumentalities of the United States (except such as are (A) wholly owned by the United States, or (B) exempt from the tax imposed by section 1600 of the Internal Revenue Code by virtue of any other provision of law), to make contributions to an unemployment fund under a State unemployment compensation law, then, to the extent so permitted by Congress, and from and after the date as of which such permission becomes effective, or January 1, 1940, whichever is the later, all of the provisions of this Act shall be applicable to such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employees, individuals, and services: *Provided further*, That if the District of Columbia should not be certified by the Social Security Board under section 1603 of the Internal Revenue Code for any year, the payments required of any instrumentality of the United States or its employees with respect to such year shall be refunded by the District Unemployment Compensation Board in accordance with the provisions of section 4 (f) of this Act.”

SEC. 2. This Act shall be effective as of January 1, 1940: *Provided, however,* That any employer required to make retroactive payment of any contributions shall be given thirty days from the enactment of this Act within which to make such retroactive payments without incurring any penalty for the late payment of such contributions and all interest charges shall commence one month from the date of the enactment of this Act.

Effective date.
Proviso.
Retroactive pay-
ment of contributions.

Approved, October 17, 1940.

[CHAPTER 899]

AN ACT

To provide for an extension of the conditions under which a money allowance for quarters may be paid to certain non-commissioned officers of the Army of the United States.

October 17, 1940
[H. R. 10527]
[Public, No. 872]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each enlisted man of the first, second, or third grade of the Army of the United States in the active military service of the United States, having a dependent as defined in sections 8 and 8a, title 37, United States Code, shall, under such regulations as the President may prescribe, be entitled to receive, for any period during which public quarters are not provided and available for his dependent, the money allowance for quarters authorized by law to be granted to each enlisted man not furnished quarters in kind.

Army.
Certain noncommis-
sioned officers; money
allowance for quarters.

42 Stat. 627; 45 Stat.
1251.

Approved, October 17, 1940.

[CHAPTER 903]

AN ACT

Establishing overtime rates for compensation for employees of the field services of the War Department, and the field services of the Panama Canal, and for other purposes.

October 21, 1940
[S. 4208]
[Public, No. 873]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of any other law, compensation for employment in excess of forty hours in any administrative workweek computed at a rate not less than one and one-half times the regular rate is hereby authorized to be paid at such places and to such monthly, per diem, hourly, and piecework employees of the field services of the War Department and the field services of the Panama Canal whose wages are set by wage boards or other wage fixing authorities, and also to professional and subprofessional employees, and to blueprinters, photostat and rotaprint operators, inspectors, storekeepers, tool-keepers, and shop superintendents of the CAF service, as defined by the Classification Act of March 4, 1923 (42 Stat. 1488; 5 U. S. C. ch. 13), as amended, as shall be designated from time to time by the Secretary of War or the Governor of the Panama Canal, as the case may be, and the Secretary of War and the Governor of the Panama Canal are authorized to prescribe for their respective services, regulations for overtime employment for said employees or any of them: *Provided,* That in determining the overtime compensation of the foregoing per annum Government employees the pay for one day shall be considered to be one three-hundred-and-sixtieth of their respective per annum salaries.

War Department
and Panama Canal.
Overtime compen-
sation for designated
employees.

5 U. S. C. §§ 661-
674; Supp. V, §§ 673,
673c.

Regulations.

Proviso.
Computation.

SEC. 2. The provisions of this Act shall be effective during the national emergency declared by the President on September 8, 1939, to exist, and shall terminate June 30, 1942, unless the Congress shall otherwise provide.

Duration of pro-
visions; termination.

Approved, October 21, 1940.

[CHAPTER 904]

AN ACT

October 21, 1940
[H. R. 10495]
[Public, No. 874]

To amend section 61 of the National Defense Act of June 3, 1916, by adding a proviso which will permit States to organize military units not a part of the National Guard, and for other purposes.

National Defense
Act, amendment.
39 Stat. 198.
32 U. S. C. § 194.

Maintenance of
State troops in time
of peace.

Provisos.
Use of National
Guard.

State police, etc.

Other military
forces while National
Guard in active Fed-
eral service.

Forces not subject
to U. S. military call.

Issuance of War
Department equip-
ment, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 61 of the National Defense Act of June 3, 1916, be amended to read as follows:

"No State shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this Act: *Provided*, That nothing contained in this Act shall be construed as limiting the rights of the States and Territories in the use of the National Guard within their respective borders in time of peace: *Provided further*, That nothing contained in this Act shall prevent the organization and maintenance of State police or constabulary: *Provided further*, That under such regulations as the Secretary of War may prescribe for discipline in training, the organization by and maintenance within any State of such military forces other than National Guard as may be provided by the laws of such State is hereby authorized while any part of the National Guard of the State concerned is in active Federal service: *Provided further*, That such forces shall not be called, ordered, or in any manner drafted, as such, into the military services of the United States; however, no person shall, by reason of his membership in any such unit, be exempted from military service under any Federal law: *And provided further*, That the Secretary of War in his discretion and under regulations determined by him, is authorized to issue, from time to time, for the use of such military units, to any State, upon requisition of the Governor thereof, such arms and equipment as may be in possession of and can be spared by the War Department."

Approved, October 21, 1940.

[CHAPTER 906]

AN ACT

October 21, 1940
[S. 4338]
[Public, No. 875]

To amend the Act entitled "An Act to establish a Civilian Conservation Corps, and for other purposes", approved June 28, 1937, as amended.

Civilian Conserva-
tion Corps.
50 Stat. 320.
16 U. S. C., Supp.
V, § 584g.
Terms of enrollment
of Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act entitled "An Act to establish a Civilian Conservation Corps, and for other purposes", approved June 28, 1937 (50 Stat. 319), as amended by the Act of May 12, 1938 (52 Stat. 349), is further amended by adding after the words "War veterans" in the second proviso of said section the following: "and Indians".

Approved, October 21, 1940.

[CHAPTER 908]

JOINT RESOLUTION

October 22, 1940
[S. J. Res. 258]
[Pub. Res., No. 107]

To provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes.

Oliver Wendell
Holmes, bequest.
Committee on rec-
ommendations au-
thorized to function.
52 Stat. 943.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the committee selected pursuant to section 3 of Public Resolution Numbered 124, Seventy-fifth Congress, approved June 22, 1938, to make recommendations to the Congress concerning the use of the bequest and devise made to the United States by Oliver Wendell Holmes, late an Associate Justice of the Supreme Court of the United States, is authorized to execute the

functions vested in it by this joint resolution. Any vacancy occurring in the membership of such committee (hereinafter referred to as the "committee") shall be filled by the selection of a person selected in the same manner as his predecessor was selected. In carrying out the provisions of this joint resolution, the committee is authorized to utilize voluntary and uncompensated services and, with the consent of any Federal agency, to utilize the facilities and personnel of such agency. The committee is authorized to make any additional recommendations to the Congress which it deems desirable. Upon the completion of its work, the committee shall transmit a final report to the Congress and shall thereupon cease to exist.

SEC. 2. The committee shall prepare for publication a memorial volume designed to perpetuate the memory of Justice Holmes and to make readily available to the public the best expressions of his thought. Such volume shall contain such of the writings of Justice Holmes as are selected by the committee, and shall contain such additional matter and such illustrations as the committee may determine. The Librarian of Congress shall make available to the committee the facilities of, and the services of the personnel of, the Library of Congress to assist the committee in the preparation of such volume.

SEC. 3. The Public Printer is authorized and directed to cause to be printed and bound in the Government Printing Office, in a manner and form approved by the committee, such number of copies of the memorial volume prepared by the committee as the committee shall determine. The Superintendent of Documents shall distribute free of cost copies of such volume to such libraries, institutions, and other organizations and persons as the committee may designate. Copies of such volume which are not distributed free of cost shall be made available by the Superintendent of Documents for sale to the public at a price, notwithstanding any other provision of law, determined by the Public Printer to represent the actual cost of printing, binding, and distribution. The cost of printing and binding all of the copies of such volume shall be paid from money appropriated from the money in the Treasury to the credit of the account "Donations to the United States, Bequest of Oliver Wendell Holmes" (hereinafter referred to as the "Holmes fund"). Receipts from the sales of copies of such volume shall be covered into the Holmes fund so long as that fund is carried on the books of the Treasury, and thereafter such receipts shall be covered into the general fund of the Treasury.

SEC. 4. The Architect of the Capitol is authorized and directed, under the direction of the committee, to acquire on behalf of the United States, by purchase, condemnation, or otherwise, that part of the property in square 759 in the District of Columbia which the Architect of the Capitol, with the approval of the committee, determines will provide a suitable site for the garden to be established pursuant to section 5.

SEC. 5. (a) The Architect of the Capitol, under the direction of the committee, is authorized and directed to establish on the land acquired pursuant to section 4 a memorial garden designed to perpetuate the memory of Justice Holmes and to commemorate the love of beauty and of the quiet open spaces of the city of Washington, to which he often gave expression. The garden so established shall be known as the Oliver Wendell Holmes Garden.

(b) The plans and designs of such garden, including the plans and designs for all grading and landscaping and all structures to be erected and other improvements to be made on the land acquired pursuant to section 4, shall be selected by the Architect of the Capitol, with the approval of the committee and of the National Capital Park and Planning Commission, from plans and designs

Committee vacancies.

Utilization of designated services.

Additional recommendations.
Report to Congress.

Memorial volume.

Library of Congress personnel to assist in preparation.

Printing and binding.

Distribution.

Sale.

Payment of printing and binding from Holmes fund.

Use of receipts from sales.

Architect of Capitol to acquire site for garden.

Establishment of Oliver Wendell Holmes Garden.

Plans and designs of garden.

Funds made available.	submitted in open competition. The manner of holding such competition and the amount to be paid for such plans and designs shall be determined by the Architect of the Capitol, with the approval of the committee. Expenditures made for carrying out the provisions of this section shall be made from moneys appropriated from the Holmes fund.
Dedicatory ceremonies authorized.	(c) The committee is authorized to make arrangements for appropriate ceremonies for the dedication of such garden upon its completion.
Maintenance and care.	SEC. 6. After the completion and dedication of such garden, it shall be maintained and cared for by the Architect of the Capitol in accordance with the provisions of law applicable with respect to the maintenance and care of the grounds of the United States Supreme Court Building.
Powers and duties of Architect.	SEC. 7. (a) For the purposes of this joint resolution, the Architect of the Capitol is authorized, under the direction of the committee—
Demolition, etc., of structures.	(1) To provide for the demolition and removal of any structures on the land acquired pursuant to section 4 and for the sale or other disposition of any materials of which they are constructed.
Temporary lease of property.	(2) Pending the demolition of such structures, to lease any of the property so acquired for such periods and under such terms and conditions as he may deem most advantageous to the United States; to provide, out of such appropriations as may be made for such purpose, for the maintenance, repair, and protection of such property; and to incur such expenses as may be necessarily incident to the jurisdiction and control over such property. Any proceeds received under this paragraph or paragraph (1) shall be covered into the Treasury as miscellaneous receipts. The Architect of the Capitol shall include in his annual report a detailed statement of his activities under this paragraph during the period covered by such report.
Disposition of proceeds.	(3) To enter into contracts; to purchase materials, supplies, equipment, and accessories in the open market; to employ necessary personnel, including professional services, without regard to other laws relating to the employment or compensation of personnel; and to make such expenditures as may be necessary or appropriate.
Other designated powers.	(b) All lands within the area determined pursuant to section 4 which are subject to the jurisdiction of the Commissioners of the District of Columbia are transferred to the jurisdiction of the Architect of the Capitol. The Architect of the Capitol is authorized to close any alley within such area and is authorized, with the approval of the committee, to permit any portion of the land acquired pursuant to section 4 to be used as an alley so long as such use is necessary.
Transfer of jurisdiction over lands.	(c) All funds expended by the Architect of the Capitol pursuant to this joint resolution shall be disbursed by the Division of Disbursement of the Treasury Department.
Disbursing agency.	SEC. 8. (a) The Commissioner of Public Buildings, in the Federal Works Agency, is authorized and directed, on behalf of the United States, to sell and convey title to the land and improvements thereon known as 1720 Eye Street Northwest, in the District of Columbia, the former residence of Justice Holmes. Such sale may be made pursuant to advertisement or otherwise upon such terms and conditions, and subject to such covenants with respect to demolition of the building and such other restrictive covenants, as may be approved by the committee. The Commissioner of Public Buildings is authorized to provide, by contract or otherwise and subject to the approval of the committee, for the demolition of the building upon such land prior to the sale of the land.
Sale of described land, etc., authorized.	(b) The costs of any advertisement, appraisal, broker's fee, or commission incident to the sale of such property, and any costs
Provision for demolition prior to sale.	
Payment of costs.	

incurred under this section for demolition of the building, shall be paid from the proceeds of the sale; and the funds of the Public Buildings Administration shall be reimbursed from such proceeds for any of such costs which shall have been paid from the funds of such Administration. The balance of the proceeds of the sale shall be covered into the Treasury to the credit of the account of the Holmes fund.

SEC. 9. There are hereby authorized to be appropriated, out of the money in the Treasury to the credit of the Holmes fund, such sums as may be necessary to carry out the provisions of sections 3 and 5 of this joint resolution; and there are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the other provisions of this joint resolution.

SEC. 10. Upon the transmission to the Congress of the final report of the committee, any money in the Treasury to the credit of the account of the Holmes fund shall be covered into the general fund of the Treasury as miscellaneous receipts.

Approved, October 22, 1940.

Reimbursement.

Funds authorized.

Disposition of surplus funds.

[CHAPTER 910]

JOINT RESOLUTION

To authorize the acquisition of a suitable frame for the painting of the signing of the Constitution to be used in mounting said painting in the Capitol Building.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Architect of the Capitol be, and he is hereby, authorized and directed to cause to be constructed or to purchase, without reference to section 3709 of the Revised Statutes (U. S. C., 1934 edition, title 41, sec. 5), at a price not exceeding \$1,500, a suitable frame for the painting of the scene at the signing of the Constitution by Howard Chandler Christy now on view in the Capitol Building. Such frame shall be subject to the approval of the Joint Committee on the Library, and, when so approved, shall be used for mounting the said painting in the Capitol Building as required by Public Resolution Numbered 11, Seventy-sixth Congress, approved April 20, 1939.

Approved, October 29, 1940.

October 29, 1940
[S. J. Res. 301]
[Pub. Res., No. 108]

Painting of scene at signing of Constitution.
Post, pp. 1404, 1405.
Acquisition of frame for mounting.

53 Stat. 583.

[CHAPTER 914]

AN ACT

To amend the Agricultural Adjustment Act of 1938.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (15) of subsection (b) of section 301 of subtitle A of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the words—

“Fire-cured and dark air-cured tobacco, comprising types 21, 22, 23, 24, 35, 36, and 37;”

and inserting in lieu thereof the following:

“Fire-cured tobacco comprising types 21, 22, 23, and 24;

“Dark air-cured tobacco, comprising types 35 and 36;

“Virginia sun-cured tobacco, comprising type 37;”.

SEC. 2. That section 312 of subtitle B of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out subsections (b), (d), (e), and (f) of such section, by striking out all of the second sentence in subsection (c) of such section, and by changing the subsection designation “(c)” therein to “(b)”.

November 22, 1940
[S. 4374]
[Public, No. 876]

Agricultural Adjustment Act of 1938, amendment.
52 Stat. 42.
7 U. S. C., Supp. V, § 1301 (b) (15).

Separation of designated tobacco types.

National marketing quota.
52 Stat. 46, 120.
7 U. S. C., Supp. V, § 1312.

52 Stat. 38.
7 U. S. C., Supp. V,
§ 1301 (a) (1).

Base period.

SEC. 3. The last sentence of section 301 (a) (1) of the Agricultural Adjustment Act of 1938, as amended, is hereby amended to read as follows:

"The base period in case of all agricultural commodities except tobacco shall be the period August 1909 to July 1914. In the case of all kinds of tobacco except Burley and flue-cured such base period shall be the period August 1919 to July 1929, and, in the case of Burley and flue-cured tobacco, shall be the period August 1934 to July 1939; except that the August 1919-July 1929 base period shall be used in allocating any funds appropriated prior to September 1, 1940."

52 Stat. 42.
7 U. S. C., Supp. V,
§ 1301 (b) (15).

Proviso.
Treatment of to-
bacco types as "kind
of tobacco."

SEC. 4. That section 301 (b) (15) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the period at the end of the last sentence thereof and adding a colon and the following: "Provided, That any one or more of the types comprising any such kind of tobacco shall be treated as a 'kind of tobacco' for the purposes of this Act if the Secretary finds there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand."

52 Stat. 46.
7 U. S. C., Supp. V,
§ 1312.

SEC. 5. That section 312 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out subsection (b) thereof.

Approved, November 22, 1940.

[CHAPTER 915]

AN ACT

November 25, 1940
[S. 1433]
[Public, No. 877]

To add certain lands to the Siuslaw National Forest in the State of Oregon.

Siuslaw National
Forest, Oreg.
Addition of certain
lands to.

7 U. S. C., Supp. V,
§§ 1000-1029.

16 U. S. C., ch. 2;
Supp. V, ch. 2.
Special conveyance
provisions not af-
fected.

Proviso.
Certain lands not
affected.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands conveyed or relinquished to the United States, under the provisions of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195), the Emergency Relief Appropriation Act, approved April 8, 1935 (49 Stat. 115), or the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522), within the western Oregon land project, situated in Lane, Lincoln, Tillamook, and Yamhill Counties, Oregon, are hereby added to and made parts of the Siuslaw National Forest, Oregon, and shall hereafter be subject to the rules and regulations applicable to national-forest lands acquired under the Act of March 1, 1911 (36 Stat. 961) as amended, but special provisions included in conveyance of title to the United States, valid and subsisting at the date of this Act and thereafter legally maintained, shall not be affected by this Act: *Provided*, That this Act shall not affect any revested Oregon and California Railroad Grant Land, title to which has not passed out of the United States, or any public-domain land which is not embraced in relinquishments purchased under the Acts hereinbefore mentioned.

Approved, November 25, 1940.

[CHAPTER 916]

AN ACT

November 25, 1940
[S. 3991]
[Public, No. 878]

To authorize the disposal of tools and equipment on the New England hurricane damage project.

New England hur-
ricane damage project.
Disposal of tools,
etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon completion or discontinuance of the Federal Government's work in rehabilitating and reestablishing forest-protection improvements and in the

reduction of forest-fire hazards in the various towns or other political subdivisions of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut under appropriation for New England hurricane damage in the First Deficiency Appropriation Act, fiscal year 1939, and Acts amendatory thereof and supplementary thereto, the Secretary of Agriculture be, and he is hereby, authorized to transfer to the respective States so much of the fire protection and improvement tools and equipment, purchased from said appropriation for said work for use in the respective States, as in his judgment may be needed for continuance of said work and forest-fire protection by said States.

Approved, November 25, 1940.

53 Stat. 513.

[CHAPTER 917]

AN ACT

To amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes.

November 25, 1940
[S. 4311]
[Public, No. 879]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subparagraph (E) of paragraph (13) of subsection (b) of section 301 of the Agricultural Adjustment Act of 1938, as amended, is amended so as to provide for the determination of farm normal yields for corn, wheat, and cotton on the basis of the same period of years used in the determination of county normal yields for those commodities, by striking out in the first sentence thereof the words "with respect to which such normal yield is used in any computation authorized under this title" and by substituting in lieu thereof the words "in which such normal yield is determined".

Approved, November 25, 1940

Agricultural Adjust-
ment Act of 1938,
amendment.
52 Stat. 202.
7 U. S. C., Supp. V,
§ 1301 (b) (13) (E).
Farm normal yields
for corn, wheat, and
cotton.

[CHAPTER 919]

AN ACT

Extending the classified executive civil service of the United States.

November 26, 1940
[H. R. 960]
[Public, No. 880]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EXTENSION OF CIVIL SERVICE ACT

That notwithstanding any provisions of law to the contrary, the President is authorized by Executive order to cover into the classified civil service any offices or positions in or under an executive department, independent establishment, or other agency of the Government: *Provided*, That in the case of any federally owned and controlled corporation organized under the laws of any State, Territory, or possession of the United States (including the Philippine Islands), or the District of Columbia, the President is authorized to direct that such action be taken as will permit appointments to offices or positions in any such corporation to be made in accordance with the civil-service laws, consistently with the laws of any such State, Territory, or possession, or the District of Columbia, or with the charter or articles of incorporation of any such corporation: *Provided further*, That the provisions of this section shall not apply to offices or positions in the Tennessee Valley Authority or to any positions in the Work Projects Administration or to any position to which appointments are made by the President by and with the advice and consent of the Senate, or to positions of assistant United States district attorney.

Authority of the
President.

Provides.
Appointments to
offices or positions in
designated corpora-
tions.

5 U. S. C., ch. 12;
Supp. V, ch. 12.

Exemptions.

Incumbent's acquisition of civil-service status.

Recommendation and certification.

Noncompetitive examination.
Proviso.
Limitation.

Failure to pass, effect.

Appointments chargeable to State apportionment.

"State" construed.

Acquisition of civil-service status by certain legislative employees.

Noncompetitive examination.

Proviso.
Time limitation.

SEC. 2. (a) The incumbent of any office or position which is covered into the classified civil service under the provisions of section 1 of this Act shall not thereby acquire a classified civil-service status, except (1) upon recommendation by the head of the agency concerned within one year after such office or position has been covered into the classified civil service, and certification within such period by such head to the Civil Service Commission that such incumbent has served with merit for not less than six months immediately prior to the date such office or position was covered into the classified civil service; and (2) upon passing such suitable noncompetitive examination as the Commission may prescribe: *Provided*, That any such incumbent shall be given only one such noncompetitive examination: *Provided further*, That any such incumbent who fails to pass the noncompetitive examination provided in his case shall be separated from the service not later than six months after the Commission advises the appointing officer that such employee has failed.

The appointment of any person occupying any position covered into the apportioned civil service in the District of Columbia under the provisions of section 1 of this Act shall be charged to the apportionment of his State. As used in this section "State" includes a Territory and the District of Columbia.

(b) That from and after the effective date of this Act any person who shall have served for four years as a secretary, clerk or assistant clerk to a Senator, Representative, Delegate or Resident Commissioner, or as a clerk or assistant clerk to a standing committee of the Senate or House of Representatives or as a clerical employee of the Senate or House of Representatives and whose separation from the service is involuntary and without prejudice shall acquire, upon passing such suitable noncompetitive examination as the Civil Service Commission may prescribe, a classified civil service status for transfer to a position in the classified civil service notwithstanding any contrary provisions of the civil service laws or regulations: *Provided*, That any individual who may hold such a position in the legislative branch must obtain such transfer within one year from the date of separation, and nothing in this Act shall be construed to impair any right of retransfer provided for under civil service laws or regulations made thereunder.

TITLE II—EXTENSION OF CLASSIFICATION ACT

Authority of the President.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

Proviso.
Extension of Act to designated corporations.

SEC. 3. (a) Subject to the limitations contained in this section, whenever the President, after such classification and compensation surveys or investigations as he may direct the Commission to undertake, and upon consideration of the Commission's resulting reports and recommendations, shall find and declare that an extension of the provisions of the Classification Act of 1923, as amended, to any offices or positions in the agencies of the Government is necessary to the more efficient operation of the Government, he may by Executive order extend the provisions of the Classification Act of 1923, as amended, to any such offices or positions not at the time subject to such provisions: *Provided*, That in the case of any federally owned and controlled corporation organized under the laws of any State, Territory, or possession of the United States (including the Philippine Islands), or the District of Columbia, the President is authorized to direct that such action be taken as will permit the compensation of such offices or positions to be fixed in accordance with the Classification Act of 1923, as amended, consistently with the laws of any such State, Territory, or possession, or the District of Columbia, or with the charter or articles of incorporation of any such corporation.

(b) Whenever the President, upon report and recommendation by the Commission, shall find and declare that one or more officers or positions to which the Classification Act of 1923, as amended and extended, is applicable, may not fairly and reasonably be allocated to the professional and scientific service, the subprofessional service, the clerical, administrative, and fiscal service, the custodial service, or the clerical-mechanical service, as described in the Classification Act of 1923, as amended, he may by Executive order prescribe and define such additional classification services and grades thereof as he may deem necessary and shall describe, and fix the ranges of compensation for, the grades of such services within the limits of the Classification Act of 1923, as amended, so that they shall be comparable, as nearly as may be, with the grades in said Act, as amended, for offices or positions that are comparable as to duties, responsibilities, qualifications required, and other conditions of employment.

Additional classification services and grades.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

Ranges of compensation.

(c) Whenever the President, upon report and recommendation by the Commission, shall find and declare that the rates of the compensation schedules of the Classification Act of 1923, as amended, are inadequate for any offices or positions under such Act, as amended and extended, he may by Executive order establish necessary schedules of differentials in the rates prescribed in such compensation schedules, but the differentials in the compensation of any such office or position shall not exceed 25 per centum of the minimum rate of the grade to which such office or position is allocated under such compensation schedules: *Provided*, That the provisions of this subsection shall be applicable only to such offices or positions having the following characteristics:

Schedules of differentials in compensation rates.

Limitation.

Provisos,
Applicability.

Offices or positions which are located at stations that are isolated, remote, or inaccessible when compared with stations at which offices or positions of the same character are usually located, or which involve physical hardships or hazards that are excessive when compared with those usually involved in offices or positions of the same character, or which are located outside the States of the United States and the District of Columbia: *Provided further*, That nothing herein contained shall preclude the Commission from taking the factor of isolation, hardship, hazard, or foreign service into consideration in allocating a given class of offices or positions to a service and grade under the Classification Act of 1923, as amended, if such factor is uniformly involved in each office or position in the class, in which event no differential is authorized under this section.

Offices or positions at isolated stations, etc.

Isolation, etc., as factors in allocations.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

(d) Except as Congress may otherwise provide by law, the power granted to the President by this section shall not apply to the following:

Nonapplication of President's power to designated offices or positions.

(i) Offices or positions in the Postal Service the compensation of which is fixed under an Act of Congress approved February 28, 1925 (43 Stat. 1033), as amended;

43 Stat. 1053.

(ii) Offices or positions of teachers, librarians, school-attendance officers, and employees of the community-center department under the Board of Education of the District of Columbia, the compensation of which is fixed under an Act of Congress approved June 4, 1924 (43 Stat. 367), as amended;

7 D. C. Code §§ 31-47; Supp. V, §§ 31-46.

(iii) Offices or positions in the Metropolitan Police, in the Fire Department of the District of Columbia, and in the United States Park Police, the compensation of which is fixed under an Act of Congress approved July 1, 1930 (46 Stat. 839);

20 D. C. Code, Supp. V, §§ 457a, 555a, 582 (note), 582a, 582b, 617, 618.

(iv) Commissioned officers and enlisted personnel in the military and naval services and the Coast Guard, and commissioned officers in the Public Health Service and the Coast and Geodetic

Survey, the compensation of which is fixed under an Act of Congress approved June 10, 1922 (42 Stat. 625), as amended;

(v) Offices or positions in the Government Printing Office the compensation of which is fixed under an Act of Congress approved June 7, 1924 (43 Stat. 658);

(vi) Offices or positions of foreign-service officers in the Foreign Service of the United States the compensation of which is fixed under an Act of Congress approved May 24, 1924 (43 Stat. 140), as amended, including those offices and positions transferred under the provisions of the Act of Congress approved April 3, 1939, to the Department of State by part 1, section 1, of Reorganization Plan Numbered II, effective July 1, 1939;

(vii) Offices or positions of clerks in the Foreign Service of the United States the compensation of which is fixed under an Act of Congress approved February 23, 1931 (46 Stat. 1207), including those offices and positions transferred under the provisions of the Act of Congress approved April 3, 1939, to the Department of State by part 1, section 1, of Reorganization Plan Numbered II, effective July 1, 1939;

(viii) Offices or positions of verifiers-openers-packers, clerks, guards, inspectors, station inspectors, and laborers in the Customs Service of the Treasury Department the compensation of which is fixed under an Act of Congress approved May 29, 1928 (45 Stat. 955), as amended;

(ix) Offices or positions of inspectors in the Immigration and Naturalization Service of the Department of Labor the compensation of which is fixed under an Act of Congress approved May 29, 1928 (45 Stat. 954), as amended;

(x) Offices or positions the duties of which are to serve as an officer or member of the crew of a vessel, except that the President may by Executive order extend the provisions of the Classification Act of 1923, as amended, to offices or positions in the Bureau of Lighthouses;

(xi) Offices or positions the duties of which are to perform the work of an apprentice, helper, or journeyman in a recognized trade or craft, or other skilled mechanical craft, or the work of an unskilled, semiskilled, or skilled laborer, except that whenever such offices or positions involve work in the regular custody, operation, or maintenance of a Government building, or other Government property, or work which is subordinate, incidental, or preparatory to work of a professional, scientific, or technical character, the President, upon a finding that the characteristics and working conditions of such offices or positions render them substantially the same as comparable offices or positions in the District of Columbia included within the Classification Act of 1923, as amended, may by Executive order extend the provisions of such Act to include them; and

(xii) Offices or positions in the Tennessee Valley Authority.

(e) In carrying out the provisions of this title, and the provisions of the Classification Act of 1923, as amended, there shall be no discrimination against any person, or with respect to the position held by any person, on account of race, creed, or color.

SEC. 4. The President is authorized, after suitable investigation by the Commission, which shall include consultation with representatives of the heads of executive departments and independent agencies, in or under the jurisdiction of which the offices or positions hereinafter designated are located, and upon a finding that such action is necessary to the more efficient operation of the Government, to exclude, by Executive

44 U. S. C. § 40.

22 U. S. C. § 3;
Supp. V, § 3.

53 Stat. 561, 1431.
5 U. S. C., Supp. V,
§§ 133-133r, 133t (note).

22 U. S. C. §§ 23a-
23c; Supp. V, § 23c.

53 Stat. 561, 1431.
5 U. S. C., Supp. V,
§§ 133-133r, 133t (note).

19 U. S. C. §§ 6a-6d.

8 U. S. C. § 109.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

No racial, etc., dis-
crimination.

Authority of Presi-
dent to exclude desig-
nated offices or posi-
tions.

order, from the provisions of the Classification Act of 1923, as amended and extended under this Act—

Offices or positions on work which is financed jointly by the United States and a State, Territory, or possession of the United States (including the Philippine Islands), or political subdivision thereof, or cooperating persons or organizations outside the service of the Federal Government, and the pay of which is fixed under a cooperative agreement with the United States; offices or positions, none or only part of the compensation of which is paid from funds of the United States; offices or positions filled by inmates, patients, students, or beneficiaries in Government institutions; offices or positions outside the States of the United States and the District of Columbia filled by natives of Territories or possessions of the United States (including the Philippine Islands) or foreign nationals; emergency or seasonal offices or positions in the field service, or other field offices or positions, the duties of which are of purely temporary duration, or which are required only for brief periods at intervals; and offices or positions filled by persons employed locally on a fee, contract, or piece-work basis who may lawfully perform their duties concurrently with their private profession, business, or other employment and whose duties require only a portion of their time, where it is impracticable to ascertain or anticipate the proportion of time devoted to the service of the Federal Government.

SEC. 5. When any extension of the Classification Act of 1923, as amended, becomes effective under this Act—

(a) The allocations of offices or positions to services, grades, and classes shall be made as set forth in section 4 of the Classification Act of 1923, as amended, and in accordance with a uniform procedure to be prescribed by the Commission; and

(b) The initial compensation of the incumbents of the offices or positions to which the provisions of the Classification Act of 1923, as amended, are extended under this Act, shall be fixed in accordance with section 6 of the Classification Act of 1923, as amended.

SEC. 6. Nothing herein contained shall be construed to prevent the promotion of an officer or employee from an office or position in one class to a vacant office or position in a higher class at any time in accordance with civil-service laws, and when so promoted the officer or employee shall receive compensation according to the schedule established for the class to which he is promoted. Nor shall anything in this Act be construed to prevent the application of the existing veteran-preference provisions in civil-service laws, Executive orders, and rulings.

SEC. 7. Section 9 of the Classification Act of 1923, as amended (42 Stat. 1490; U. S. C., 1934 edition, title 5, sec. 669), is hereby further amended by adding at the end thereof the following paragraph:

“Under such regulations as may be prescribed by the Civil Service Commission with the approval of the President—

“There shall be established in each Department one or more boards of review, each of which shall be composed of three members, the chairman to be designated by the Civil Service Commission, one of the other members to be designated by the head of the Department concerned, and the third member to be designated by the employees of the Department concerned in such manner as may be determined by the Civil Service Commission. The boards of review shall meet at the call of their respective chairmen for the purpose of considering and passing upon the merits of such efficiency ratings assigned to employees as may be submitted to such boards of review as hereinafter provided. Any employee shall, upon written request to the chairman of the appropriate board of review of his department, be

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.

42 Stat. 1488.
5 U. S. C. §§ 661-674;
Supp. V, §§ 673, 673c.
Allocations.
42 Stat. 1489.
5 U. S. C. § 664.

Initial compensation.

42 Stat. 1490.
5 U. S. C. § 666.

Promotions.

Veteran preference.

Boards of review,
composition.

Meetings; efficiency
ratings.

Right of employees
to hearing, etc.

Adjustments in ratings.

Compensation of Commissioners, etc.

entitled, as a matter of right, to a hearing and a review by such board of review of his efficiency rating. At such hearing such employee and his representative, and such representatives of the Department as may be designated by the head thereof, shall be afforded an opportunity to submit orally or in writing any information deemed by the board of review to be pertinent to the case, and shall be afforded an opportunity to hear or examine, and reply to, information submitted to such board by other parties. After any such hearing, the board of review may make such adjustments in any such efficiency rating as it may find to be proper."

SEC. 8. Hereafter the compensation of the Civil Service Commissioners shall be fixed at \$10,000 each per annum, and the compensation of the Executive Director and Chief Examiner shall be fixed at \$9,500 per annum.

Approved, November 26, 1940.

[CHAPTER 920]

AN ACT

November 27, 1940
[S. 1681]
[Public, No. 881]

To amend section 107 of the Judicial Code, to redistrict the State of Tennessee, to provide the duties and powers of the district judges of the State of Tennessee, and for other purposes.

Judicial Code,
amendment.
36 Stat. 1124.
28 U. S. C. § 188;
Supp. V, § 188.
Tennessee judicial
districts.
Eastern district.

Winchester division.

Southern division.

Northern division.

Northeastern division.
Terms of court.

Proviso.
Court accommodations at Winchester.
Ante, p. 348.

Middle district.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 107 of the Judicial Code, as amended, is amended to read as follows:

"SEC. 107. (a) The State of Tennessee is divided into three districts, to be known as the eastern, middle, and western districts of Tennessee.

"(b) The eastern district shall include the territory embraced on the 1st day of January 1940 in the counties of Bedford, Franklin, Lincoln, Warren, Grundy, Coffee, Van Buren, and Moore, which shall constitute the Winchester division of said district; also the territory embraced on the date last mentioned in the counties of Bledsoe, Bradley, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, and Sequatchie, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Sevier, Scott, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington, which shall constitute the northeastern division of said district. Terms of the district court for the Winchester division shall be held at Winchester on the third Mondays in May and October; for the southern division at Chattanooga on the fourth Monday in April and the second Monday in November; for the northern division at Knoxville on the fourth Monday in May and the first Monday in December; for the northeastern division at Greeneville on the first Monday in March and the third Monday in September: *Provided*, That suitable accommodations for holding court at Winchester shall be provided by the local authorities but only until such time as such accommodations shall be provided upon the recommendation of the Director of the Administrative Office of the United States Courts in a public building or other quarters provided by the Federal Government for such purpose.

"(c) The middle district shall include the territory embraced on the 1st day of January 1940 in the counties of Cannon, Cheatham, Davidson, Dickson, Humphreys, Houston, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson,

which shall constitute the Nashville division of said district; also the territory on the date last mentioned in the counties of Hickman, Giles, Lawrence, Lewis, Marshall, Wayne, and Maury, which shall constitute the Columbia division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, De Kalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of said district shall be held at Nashville on the second Monday in March and the fourth Monday in September; for the Columbia division at Columbia on the third Monday in June and the fourth Monday in November; and for the northeastern division at Cookeville on the third Monday in April and the first Monday in November: *Provided*, That suitable accommodations for holding court at Columbia shall be provided by the local authorities but only until such time as such accommodations shall be provided upon the recommendation of the Director of the Administrative Office of the United States Courts in a public building or other quarters provided by the Federal Government for such purpose.

“(d) The western district shall include the territory embraced on the 1st day of January 1940 in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley, including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama, north to the point, Henry County, Tennessee, where the south boundary line of the State of Kentucky strikes the east bank of the river, which shall constitute the eastern division of said district. Terms of the district court for the western division of said district shall be held at Memphis on the first Mondays in April and October; and for the eastern division at Jackson on the fourth Mondays in March and September. An office of the clerk, in charge of the clerk or a deputy, shall be maintained at Memphis and Jackson. The marshal for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the eastern district shall appoint a deputy who shall reside at Chattanooga. An office of the clerk of the court for the eastern district shall be maintained, in charge of the clerk or a deputy, at Knoxville, at Chattanooga, and at Greeneville.

“(e) The district judge for the eastern district of Tennessee in office on the date of the enactment of this Act, shall hold regular and special terms of court at Knoxville and Greeneville. The said district judge shall have the power of appointment and removal of all officers and employees of the court in said district, except as herein otherwise provided, whose appointment is vested by law in a district judge or senior district judge.

“(f) The district judge for the eastern and middle districts of Tennessee, appointed under the authority of the Act approved May 31, 1938 (52 Stat. 584), whose official residence shall be at Chattanooga, shall be an additional district judge for the eastern district of Tennessee as constituted by this Act and shall hold regular and special terms of court at Winchester and Chattanooga. The said judge shall possess the same powers, perform the same duties, and receive the same compensation as other district judges. The said district judge shall

Nashville division.

Columbia division.

Northeastern division.
Terms of court.*Proviso.*
Court accommodations at Columbia.
Ante, p. 348.

Western district.

Western division.

Eastern division.
Terms of court.

Office of clerk.

Deputy marshals.

Office of clerk.

Terms of court at Knoxville and Greeneville.

Power of appointment, etc., of officers and employees.

Terms at Winchester and Chattanooga.

28 U. S. C., Supp. V, § 4w.

Powers, etc., of designated judge.

Appointment of successors to judge.

Orders for disposition of business, etc.

District attorneys and marshals.

Terms of court at Nashville, Columbia, and Cookeville.

Terms at Memphis and Jackson.

Repeal of inconsistent laws.

have the power of appointment and removal of all those officers and employees of the court for the eastern district of Tennessee whose official headquarters are located in the Winchester division and in the southern division of the eastern district of Tennessee and whose appointment is vested by law in a district judge or a senior district judge. The President is authorized to appoint, by and with the consent of the Senate, a successor or successors to said judge as vacancies may occur. Nothing herein contained shall be construed to prevent said judge or his successors from becoming the senior district judge by succession, or from exercising the powers and rights of senior district judge of said district. The judge designated herein to hold regular and special terms of court at Winchester and Chattanooga shall make all necessary orders for the disposition of business and assignment of cases for trial in said divisions. The district attorneys and marshals for the eastern, middle, and western districts of Tennessee in office immediately prior to the enactment of this Act shall be during the remainder of their present terms of office the district attorneys and marshals for such districts as constituted by this Act.

“(g) The district judge for the middle district of Tennessee shall be the district judge for the middle district of Tennessee as constituted by this Act and shall hold regular and special terms of court at Nashville, Columbia, and Cookeville.

“(h) The district judge for the western district of Tennessee shall hold regular and special terms of court at Memphis and Jackson.”

SEC. 2. All provisions of law inconsistent with the provisions of this Act are hereby repealed.

Approved, November 27, 1940.

[CHAPTER 921]

AN ACT

November 27, 1940
[S. 3133]
[Public, No. 882]

For the relief of the Cherokee Indian Nation or Tribe, and for other purposes.

Cherokee Indian Nation or Tribe.
Appropriation authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,185.72 with interest at 5 per centum from June 30, 1919, to the date of the appropriation of the said sum herein authorized, which sum was appropriated by the Act of June 30, 1919 (41 Stat. pp. 21, 22), and by the terms of said Act was required to be “credited to the principal of the Cherokee school fund”, a trust fund bearing interest at 5 per centum, but which said sum was erroneously deposited in the general fund of the Treasury as miscellaneous receipt, by miscellaneous receipt covering warrant Numbered 122, as of August 14, 1919.

Credit to Cherokee school fund.
Reimbursement of attorneys.

When appropriated said money shall be credited to the Cherokee school fund and the Secretary of the Treasury shall pay the said money to the surviving attorneys of the Cherokee Indian Nation or Tribe selected by them in pursuance to the Act of March 19, 1924 (43 Stat. p. 27), to reimburse in part said attorneys for expenses heretofore incurred in the preparation and prosecution of the claims of the said Cherokee Indian Nation or Tribe, brought under said Act of March 19, 1924, in the name of “The Cherokee Nation against the United States”.

Approved, November 27, 1940.

[CHAPTER 922]

AN ACT

To make the excess land provisions of the Federal reclamation laws inapplicable to the lands of the Washoe County Water Conservation District, Truckee storage project, Nevada, and the Pershing County Water Conservation District, Nevada.

November 29, 1940
[H. R. 10543]
[Public, No. 883]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the excess land provisions of the Federal reclamation laws shall not be applicable to land in the Washoe County Water Conservation District, Nevada, irrigated from the Boca Reservoir, Truckee River storage project, Nevada, nor to the Pershing County Water Conservation District, Nevada, irrigated from the Humboldt River Reservoir, and the Secretary of the Interior is authorized to enter into a contract with said districts, amending, in accordance with this Act, the contract of December 18, 1936, between the United States and the Washoe County Water Conservation District, and the contract of October 1, 1934, between the United States and the Pershing County Water Conservation District.

Approved, November 29, 1940.

Federal reclamation laws.
Inapplicability of excess land provisions to designated districts.

Contracts authorized.

[CHAPTER 923]

AN ACT

To authorize the discontinuance of professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps.

November 29, 1940
[S. 4224]
[Public, No. 884]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That until May 15, 1945, the Secretary of War may, in his discretion, dispense with any part of the examination for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps, except those relating to physical examination.

Approved, November 29, 1940.

Officers of designated Corps, Regular Army.
Examinations for promotion.

[CHAPTER 924]

AN ACT

To transfer the jurisdiction of the Arlington Farm, Virginia, to the jurisdiction of the War Department, and for other purposes.

November 29, 1940
[S. 4107]
[Public, No. 885]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the control and jurisdiction of the lands, buildings, and improvements constituting the Arlington Farm, as created by the Act of Congress, approved April 18, 1900 (31 Stat. 135), are hereby transferred from the Secretary of Agriculture to the Secretary of War, to take effect progressively as each area of said farm is turned over by the Secretary of Agriculture to the Secretary of War: *Provided,* That the authority to remove such buildings, improvements, trees, and plants as shall be deemed necessary in order to promote the work of the Department of Agriculture shall remain in the Secretary of Agriculture until the transfer of the area involved is effected.

SEC. 2. There is hereby authorized to be appropriated a sum not to exceed \$3,200,000 to be expended by the Secretary of Agriculture for the acquisition by purchase, condemnation, or donation, of lands to provide a suitable site for the development and reestablishment thereon of the functions and activities of the Arlington Farm, and the construction and installation of such buildings, equipment, and utilities and appurtenances thereto, including the employment of persons and

Arlington Farm, Va.
Transfer of jurisdiction.
Ante, p. 1046.

Proviso.
Removal of buildings, trees, etc.

Appropriation authorized for acquisition of certain lands.
Ante, p. 1046.

Construction of buildings, etc.

Acquisition of adjacent lands for military purposes; improvements.

Continuance of Arlington Experiment Station at present site.

Arlington Memorial Bridge.
Approach road, construction authorized.

means in the city of Washington and elsewhere, as in the judgment of the Secretary of Agriculture may be necessary.

SEC. 3. There is also further authorized to be appropriated not to exceed \$5,000,000 for the acquisition of adjacent lands and the construction and installation of such buildings and utilities and appurtenances as in the judgment of the Secretary of War may be necessary for military purposes on the above-mentioned lands, including alterations, additions, and betterments to such existing improvements thereon as may be transferred by the Secretary of Agriculture to the Secretary of War. If the purchase of additional lands authorized by this section meets the requirements of the War Department, the Secretary of War may allow the Secretary of Agriculture to continue the operation of Arlington Experiment Station at its present site.

SEC. 4. The Secretary of War is hereby authorized to transfer to the Secretary of the Interior a right-of-way two hundred feet wide extending from a point near the southeast corner of the Arlington Cemetery in a northeasterly direction to the Boundary Channel, in order to provide an adequate approach road to the Arlington Memorial Bridge, the construction of which road is hereby authorized, and, with the approval of the President, to transfer to the Secretary of the Interior until needed such other lands transferred to or acquired by the Secretary of War under this Act as may not be immediately necessary for military purposes.

Approved, November 29, 1940.

[CHAPTER 926]

AN ACT

November 30, 1940
[H. R. 10465]
[Public, No. 886]

To amend an Act entitled "An Act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes", approved April 20, 1918.

Destruction of war material.
Definition of terms.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 1 of the Act approved April 20, 1918, entitled "An Act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes" (40 Stat. 533; U. S. C., title 50, secs. 101-103), is amended by striking out the word "the" immediately preceding the word "war".

The fourth paragraph of section 1 of such Act is amended to read as follows:

"United States."

"The words 'United States' used in this Act in a geographical sense shall include the Philippine Islands, the Panama Canal Zone, and all other territory and waters, continental and insular, subject to the jurisdiction of the United States as thus defined."

Such Act of April 20, 1918, is further amended by adding at the end thereof the following sections:

"National-defense material."

"SEC. 4. That the words 'national-defense material', as used herein, shall include arms, armament, ammunition, livestock, stores of clothing, food, foodstuffs, fuel, supplies, munitions, and all other articles of whatever description and any part or ingredient thereof, intended for the use of the United States in connection with the national defense.

"National-defense premises."

"The words 'national-defense premises', as used herein, shall include all buildings, grounds, mines, or other places wherein such national-defense material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States.

"The words 'national-defense utilities', as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, whereon or whereby such national-defense material, or any troops of the United States, are being or may be transported either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures, and buildings, whereby or in connection with which water or gas may be furnished to any national-defense premises or to the military or naval forces of the United States, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to any national-defense premises or to the military or naval forces of the United States.

"National-defense utilities."

"SEC. 5. That whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, shall willfully injure or destroy, or shall attempt to so injure or destroy, any national-defense material, national-defense premises, or national-defense utilities, as herein defined, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than ten years, or both.

Destruction of national-defense material, etc.
Penalty.

"SEC. 6. That whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any national-defense material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such national-defense material, as herein defined, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than ten years, or both."

Making national-defense material in defective manner, etc.
Penalty.

Approved, November 30, 1940.

[CHAPTER 927]

AN ACT

To amend the Act of June 25, 1938, entitled "An Act extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes".

December 6, 1940
[S. 4373]
[Public, No. 887]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act approved June 25, 1938 (ch. 678, 52 Stat. 1077; U. S. C., 1934 edition, Supp. V, title 39, sec. 39a) is amended by the addition of the following: "*Provided further*, That at any post office the postmaster of which has been called for duty as a member of the National Guard or of the Reserve of the Army, Navy, or Marine Corps or pursuant to draft or voluntary enlistment, the Postmaster General is authorized to grant leave of absence without pay to such postmaster and to appoint an acting postmaster at such post office to serve for the period only of the absence of the regular postmaster on military service, requiring such acting postmaster to furnish suitable bond with surety for the faithful performance of the duties as acting postmaster and releasing the regular postmaster and his sureties of responsibility for the conduct of the office during such period: *Provided further*, That where a postmaster resigns for the purpose of military service as herein described and subsequently wishes to resume his previous position as postmaster he may be permitted, upon being released from military service, to withdraw his resignation and resume

Postal Service.

Provided.
Leave of absence to postmasters entering military service.

Appointment of acting postmasters; bond.

Withdrawal of resignation and resumption of office.

Applicability of civil-service laws, etc., to appointments of acting postmasters.

Length of appointments.

the office of postmaster, or be reappointed thereto, in the event the office is being conducted at the time by an acting postmaster: *Provided further*, That appointments of acting postmasters to serve during absences of regular postmasters on leave granted pursuant to the terms of this Act shall be made in accordance with the civil-service laws, rules, and regulations, and such appointments may continue until the return to duty of the regular postmaster or until it has been determined that the regular postmaster will not return to duty."

Approved, December 6, 1940.

[CHAPTER 928]

AN ACT

December 16, 1940
[S. 3765]
[Public, No. 888]

To extend the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oregon, and for other purposes.

Columbia River.
Time extended for bridging, at Astoria, Oreg.

48 Stat. 949; 49 Stat. 1066, 1104; 50 Stat. 563; 52 Stat. 445; 53 Stat. 1206.

Repeal.

Right reserved.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oregon, authorized to be built by the Oregon-Washington Bridge Board of Trustees by an Act of Congress approved June 13, 1934, as amended, as heretofore extended by Acts of Congress approved August 30, 1935, January 27, 1936, August 5, 1937, May 26, 1938, and August 5, 1939, are further extended one and three years, respectively, from June 13, 1940.

SEC. 2. That so much of section 4 of the Act approved June 13, 1934 (48 Stat. 949, 950), which reads as follows: "or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management", is hereby repealed.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, December 16, 1940.

[CHAPTER 929]

AN ACT

December 16, 1940
[S. 3934]
[Public, No. 889]

Authorizing the State of Michigan, acting through The International Bridge Authority of Michigan, to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Saint Marys River, from a point in or near the city of Sault Sainte Marie, Michigan, to a point in the Province of Ontario, Canada.

Saint Marys River.
Bridge authorized across, at Sault Sainte Marie, Mich.

34 Stat. 84.
33 U. S. C. §§ 491-498.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to facilitate international commerce, improve the postal service, and provide for military and other purposes, the State of Michigan, acting through The International Bridge Authority of Michigan, or the successors to said authority, be, and is hereby, authorized to construct, maintain, and operate a bridge, or series of bridges, causeways, and approaches thereto, across the Saint Marys River, so far as the United States has jurisdiction over the waters of such river, from a point suitable to the interests of navigation, in or near the city of Sault Sainte Marie, in the State of Michigan, to a point in the Province of Ontario, Canada, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act, and subject to the approval of the proper authorities in the Dominion of Canada.

(b) There is hereby conferred upon the State of Michigan and The International Bridge Authority of Michigan, or the successors to said authority, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Michigan needed for the location, construction, operation, and maintenance of such bridge, or series of bridges, causeways, and approaches thereto, as are possessed by railroad corporations for railroad purposes or by bridge corporations, or bridge authorities, or the State of Michigan, for bridge purposes in the State of Michigan, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Right to acquire real estate, etc.

(c) The State of Michigan, acting through The International Bridge Authority of Michigan, or the successors to said authority, is hereby authorized to fix and charge tolls for transit over such bridge, or series of bridges, causeways, and approaches thereto, and the rates of toll shall be so fixed and adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating such bridge, or series of bridges, causeways, and approaches thereto, and to provide a sinking fund sufficient to amortize the cost of such bridge, or series of bridges, causeways, and approaches thereto, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed forty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge, or series of bridges, causeways, and approaches thereto, shall thereafter be maintained and operated free of tolls. An accurate record of the cost of such bridge, or series of bridges, causeways, and approaches thereto, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Toll charges.

Application of tolls to operation, sinking fund, etc.

Maintenance as free bridge after amortizing costs, etc.

Record of expenditures and receipts.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Right reserved.

Approved, December 16, 1940.

[CHAPTER 930]

AN ACT

To legalize the construction by the State Highway Board of Georgia of a free highway bridge across the Withlacoochee River, between Valdosta, Georgia, and Madison, Florida, at Horns Ferry.

December 16, 1940
[S. 4135]
[Public, No. 890]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State Highway Board of Georgia to complete construction, in accordance with plans accepted by the Chief of Engineers and the Secretary of War, of a free highway bridge and approaches thereto across the Withlacoochee River, between Valdosta, Georgia, and Madison, Florida, at Horns Ferry, and to maintain and operate said bridge as a lawful structure subject to the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Withlacoochee River.
Bridge across, between Valdosta, Ga., and Madison, Fla., legalized.

34 Stat. 84.
33 U. S. C. §§ 491-498.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Right reserved.

Approved, December 16, 1940.

[CHAPTER 931]

AN ACT

December 16, 1940
[S. 4370]
[Public, No. 891]

Authorizing the President to appoint an Under Secretary of War during national emergencies, fixing the compensation of the Under Secretary of War, and authorizing the Secretary of War to prescribe duties.

Department of War.
Under Secretary, ap-
pointment, duties, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized, in his discretion, to appoint from civil life, by and with the advice and consent of the Senate, an Under Secretary in the Department of War. The Under Secretary of War shall perform such duties as may be prescribed by the Secretary of War or required by law and shall be next in succession to the Secretary of War during his absence or disability or in the event of a temporary vacancy in that office. In prescribing the duties to be performed by the Under Secretary of War, the Secretary of War may prescribe any of the duties now prescribed by law to be performed by The Assistant Secretary of War. The compensation of the Under Secretary of War shall be at the rate of \$10,000 per annum. The Assistant Secretary of War, next after the Under Secretary of War, shall hereafter succeed to the duties of the Secretary of War during his absence or disability, or in the event of a temporary vacancy in that office.

Compensation.

Assistant Secretary,
succession to duties of
Secretary.

National Defense
Act, amendment.
10 U. S. C. §§ 1193-
1195.

Secretary of War.
Supervision of pro-
curement of military
supplies, etc.

SEC. 2. That the first two paragraphs of section 5a of the National Defense Act, as amended by the Act of June 4, 1920 (41 Stat. L. 764), be, and the same are hereby, amended to read as follows:

Assignment of
duties.

Details.

"SEC. 5a. Hereafter the Secretary of War, in addition to other duties imposed upon him by law, shall be charged with the supervision of the procurement of all military supplies and other business of the War Department pertaining thereto and the assurance of adequate provision for the mobilization of matériel and industrial organizations essential to wartime needs, and he may assign to the Under Secretary of War and The Assistant Secretary of War such duties in connection therewith as he may deem proper. There shall be detailed to the Offices of the Secretary of War, the Under Secretary of War, and The Assistant Secretary of War from the branches engaged in procurement such numbers of officers and civilian employees as may be authorized by regulations approved by the Secretary of War.

Procurement re-
ports.

Government manu-
facture of War De-
partment supplies, etc.

"Chiefs of branches of the Army shall report regarding all matters of procurement direct to the Secretary of War, the Under Secretary of War, or The Assistant Secretary of War, as the Secretary of War shall have prescribed. The Secretary of War shall cause to be manufactured or produced at the Government arsenals or Government-owned factories of the United States all such supplies or articles needed by the War Department as said arsenals or factories are capable of manufacturing or producing upon an economical basis. All appropriations for manufacture of matériel pertaining to approved projects which are placed with arsenals, Government-owned factories, or other ordnance establishments shall remain available for such purpose until the close of the next ensuing fiscal year."

Availability of des-
ignated appropria-
tions.

Termination of Act;
condition.
Compensation of As-
sistant Secretary.

The provisions of this Act shall cease to have effect on January 20, 1945, unless continued in force by an Act of Congress. The compensation of the Assistant Secretary of War shall be at the rate of \$10,000 per annum.

Approved, December 16, 1940.

[CHAPTER 932]

JOINT RESOLUTION

Extending the time for submitting the final report of the Temporary National Economic Committee.

December 16, 1940
[S. J. Res. 306]
[Pub. Res., No. 109]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 4 (c) of the joint resolution entitled "joint resolution to create a temporary national economic committee", approved June 16, 1938, the time for submitting the final report of such committee is hereby extended to April 3, 1941, and the unexpended balances of the appropriations made for such committee shall be available to it until such date for the purpose of making such report.

Temporary National Economic Committee.
52 Stat. 706.

Time for submitting final report extended.

Reappropriation.

Approved, December 16, 1940.

[CHAPTER 934]

JOINT RESOLUTION

Authorizing the President to invite foreign countries to participate in the Pan American Cotton Congress.

December 17, 1940
[S. J. Res. 302]
[Pub. Res., No. 110]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested, by proclamation or in such manner as he may deem proper, to invite all foreign countries and nations to the Pan American Cotton Congress to be held at Memphis, Tennessee, during the year 1941, with a request that they participate therein.

Pan American Cotton Congress.
Participation by foreign countries.

Approved, December 17, 1940.

[CHAPTER 936]

AN ACT

To amend the Act entitled "An Act in relation to pandering, to define and prohibit the same and to provide for the punishment thereof", approved June 25, 1910.

January 3, 1941
[S. 4415]
[Public, No. 892]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act in relation to pandering, to define and prohibit the same and to provide for the punishment thereof", approved June 25, 1910, is amended to read as follows:

District of Columbia.
Pandering.
36 Stat. 833.
6 D. C. Code § 179.

"That any person who, within the District of Columbia, shall place or cause, induce, procure, or compel the placing of any female in the charge or custody of any other person, or in a house of prostitution, with intent that she shall engage in prostitution, or who shall compel, induce, entice, or procure or attempt to compel, induce, entice, or procure any female to reside with any other person for immoral purposes or for the purpose of prostitution, or who shall compel, induce, entice, or procure or attempt to compel, induce, entice, or procure any such female to reside or continue to reside in a house of prostitution, or compel, induce, entice, or procure or attempt to compel, induce, entice, or procure her to engage in prostitution, or who takes or detains a female against her will, with intent to compel her by force, threats, menace, or duress to marry him or to marry any other person; or any parent, guardian, or other person having legal custody of the person of a female, who consents to her taking or detention by any person, for the purpose of prostitution or sexual intercourse, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than five years and by a fine of not more than \$1,000."

Procurement of females for purposes of prostitution, etc.

Consent of parent, etc.

Punishment.

36 Stat. 833.
6 D. C. Code § 180.
Detention by threats, etc.

SEC. 2. Section 2 of such Act is amended to read as follows:

"SEC. 2. Any person who, within the District of Columbia, by threats or duress, detains any female against her will, for the pur-

Punishment.	pose of prostitution or sexual intercourse, or any person who shall compel any female, against her will, to reside with him or with any other person for the purposes of prostitution or sexual intercourse, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than five years and a fine of not more than \$1,000."
36 Stat. 833. 6 D. C. Code § 181. Receipt of money, etc., for arranging for females to engage in prostitution, etc.	SEC. 3. Section 3 of such Act is amended to read as follows: "SEC. 3. Any person who, within the District of Columbia, shall receive any money or other valuable thing for or on account of arranging for or causing any female to have sexual intercourse with any other person or to engage in prostitution, debauchery, or any other immoral act, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than five years and a fine of not more than \$1,000."
Punishment.	SEC. 4. Such Act is amended by adding at the end thereof the following new sections: "SEC. 6. Any person who, within the District of Columbia, shall pay or receive any money or other valuable thing for or on account of the procuring for, or placing in, a house of prostitution, for purposes of sexual intercourse, prostitution, debauchery, or other immoral act, any female, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than five years and by a fine of not more than \$1,000."
Payment or receipt of money, etc., for procurement of fe- males for houses of prostitution.	"SEC. 7. Any person who, within the District of Columbia, shall receive any money or other valuable thing for or on account of procuring and placing in the charge or custody of another person for sexual intercourse, prostitution, debauchery, or other immoral purposes any female shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than five years and by a fine of not more than \$1,000."
Punishment.	"SEC. 8. Any person who, within the District of Columbia, knowingly, shall accept, receive, levy, or appropriate any money or other valuable thing, without consideration other than the furnishing of a place for prostitution or the servicing of a place for prostitution, from the proceeds or earnings of any female engaged in prostitution shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than five years and by a fine of not more than \$1,000."
Receipt of money, etc., by procurers of females for other per- sons.	Approved, January 3, 1941.
Punishment.	
Acceptance, etc., of money from proceeds or earnings of prosti- tutes.	
Punishment.	

[CHAPTER 938]

AN ACT

January 7, 1941
[H. R. 10098]
[Public, No. 893]

To amend section 204 of the Act entitled "An Act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an Act entitled 'An Act to regulate commerce', approved February 4, 1887, as amended, and for other purposes", approved February 28, 1920.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 204 of the Act entitled "An Act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an Act entitled 'An Act to regulate commerce', approved February 4, 1887, as amended, and for other purposes", approved February 28, 1920, as amended by the Act approved March 4, 1927 (44 Stat. L. 1446), be amended and reenacted by adding thereto the following new paragraphs (i), (j), and (k), as follows:

"(i) That the term 'deficit in its railway operating income', as that term is used in paragraph (a), shall be construed to mean a deficiency or decrease in the carrier's railway operating income for

Transportation Act
of 1920, amendment.
41 Stat. 460; 44 Stat.
1450.
49 U. S. C. § 73.

"Deficit in its rail-
way operating in-
come."

that portion (as a whole) of the period of Federal control during which it operated its own railroad as compared with its average railway operating income for the corresponding portion of the test period, as held in *Construction of the Word 'Deficit'* (66 I. C. C. 765, 774).

"(j) That the Commission is hereby authorized and directed to reopen all claims heretofore filed by carriers in compliance with its orders or regulations issued under this section and to ascertain and certify to the Secretary of the Treasury such amounts, if any, as may be payable to any such carriers under said section 204 as hereby amended: *Provided*, That the aggregate of the railway operating income of any carrier during that part of the period of Federal control during which such carrier was not operated by the Director General of Railroads plus the amount certified by the Commission under this Act shall not for said period be at a rate in excess of 5¾ per centum per annum of the value of the carrier's property determined by the Commission under section 19a of the Interstate Commerce Act: *Provided further*, That no claim certified under this subsection shall be for an amount in excess of \$150,000.

"(k) This Act shall take effect as of March 1, 1920, but shall not be construed as extending the time for filing claims as limited by paragraph (h) of section 204, as amended by the Act of March 4, 1927."

Approved, January 7, 1941.

Reopening of filed claims, etc.

Provisos.
Aggregate of railway operating income, etc., limitation.

37 Stat. 701.
49 U. S. C. § 19a.
Limitation on amount of certified claims.

Effective date.
Filing of claims.

44 Stat. 1450.
49 U. S. C. § 73 (h).

[CHAPTER 939]

AN ACT

To permit the relinquishment or modification of certain restrictions upon the use of lands along the Natchez Trace Parkway in the village of French Camp, Mississippi.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, in his discretion, is hereby authorized to relinquish or modify certain restrictions upon the use of privately owned lands in the village of French Camp along the Natchez Trace Parkway, which restrictions have been imposed thereon by the scenic easement deed dated May 19, 1938, which is recorded in book 24, pages 333-336, of the Record of Deeds in the office of the clerk of the chancery court of Choctaw County, Mississippi, said lands being situated in section 31, township 17 north, range 9 east, Choctaw County, Mississippi.

SEC. 2. The Secretary of the Interior is authorized to execute such instruments of conveyance as may be necessary for the purposes of this Act. The cost of recording such instruments shall be paid out of any funds available for the Natchez Trace Parkway.

Approved, January 7, 1941.

January 7, 1941
[H. R. 10712]
[Public, No. 894]

Natchez Trace Parkway.
Use of privately owned lands in village of French Camp.

Execution of instruments of conveyance.
Cost of recording.

[CHAPTER 941]

JOINT RESOLUTION

To extend the date for filing a report by the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the joint resolution approved September 24, 1940 (Public Resolution Numbered 100, Seventy-sixth Congress), is hereby amended to read as follows:

"SEC. 7. The Commission shall, on or before the 15th day of February 1941, make a report to the Congress in order that enabling legislation may be enacted."

Approved, January 9, 1941.

January 9, 1941
[H. J. Res. 623]
[Pub. Res., No. 111]

Two Hundredth Anniversary of the Birth of Thomas Jefferson.
Ante, p. 960.

Report to Congress.